

**STRENGTHENING AND REBUILDING  
TRIBAL JUSTICE SYSTEMS:  
LEARNING FROM HISTORY AND  
LOOKING TOWARDS THE FUTURE**



**A Participatory Process Evaluation  
of the U.S. Department of Justice  
Comprehensive Indian Resources for  
Community and Law Enforcement (CIRCLE) Project**

**Final Evaluation Report, March 2005  
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## Abstract

In 1998, several agencies within the U.S. Department of Justice initiated a partnership with three Indian nations – the Northern Cheyenne Tribe, the Oglala Sioux Tribe, and the Pueblo of Zuni – to strengthen the tribes’ justice systems. Through this initiative, called the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project, the federal partners provided the tribes with incentives and opportunities (streamlined and coordinated federal funding for justice functions was the primary one) that helped them consider how the individual components of their tribal justice systems (courts, police, corrections, and other programs) might work together to strengthen their approaches to pressing crime and social problems.

This collection of documents comprises the first (process) phase of the CIRCLE Project evaluation. The combined process and participatory qualities of this evaluation phase generate a complicated set of products. It includes a cross-site analysis, which focuses on the opportunities, accomplishments, and continuing challenges for both the tribes and the federal government; a description of the federal planning and implementation process; and process-oriented summaries of each participating tribe’s implementation work.

An important goal of the evaluation is to understand whether the design of CIRCLE was useful to tribes in their efforts to strengthen their justice systems; in particular, what design features seemed most helpful and why? In answer to this question, this phase of the evaluation shed light on the following:

- The promise of federal cross-agency (and, potentially, cross-department) cooperation and coordination as a means of maximizing the value of federal investments in building strong and resourceful tribal communities
- The strategic importance of addressing crime problems through system-level (rather than program-level) thinking
- The powerful, intertwined influence of nation building, culture, and context on change efforts in Indian Country
- The role sustainability goals should play in the design of such initiatives

The dynamics surrounding these factors over the course of the initiative were complicated and presented difficult challenges for the participating federal agencies and for the participating tribes. Even so, we conclude that CIRCLE made an important contribution to the tribes’ efforts to design and build stronger justice systems. This report discusses the contribution in detail and, based on the bulleted points above, presents opportunities for increasing the value of future federal investments in building strong and resourceful tribal communities.

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# **The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project: Process Evaluation Findings**

## **Executive Summary**

### **The CIRCLE Project**

In 1998, several agencies within the U.S. Department of Justice (USDOJ) initiated a partnership with the Northern Cheyenne Tribe, Oglala Sioux Tribe, and Pueblo of Zuni to strengthen those tribes' justice systems. Through this initiative, called the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project, USDOJ provided incentives and opportunities (in particular, streamlined and coordinated federal funding for justice functions) that helped the tribes consider how their justice systems' individual components might better work together to address pressing crime and social problems. With this assistance, the tribes' challenge shifted away from how they might fund specific justice programs to how they might leverage an array of justice (and related program) resources to address tribe-specific, crime-related goals.

Evaluation of the CIRCLE Project occurred two phases – a first, 18-month “process” phase, reported on here, and a second, 30-month “outcomes” phase, which will generate a separate report. This was a participatory evaluation. It engaged the tribal and federal partners in a number of core design and data collection tasks, including identifying the focus, goals, and end products of the evaluation, and the outcomes and indicators regarding program and system performance. An important goal of the evaluation was to understand whether the design of CIRCLE was useful to tribes in their justice system-strengthening efforts; it asked, what design features seemed most helpful and why? In answer, the first phase of the evaluation shed light on the following:

- The promise of federal cross-agency (and, potentially, cross-department) cooperation and coordination as a means of maximizing the value of federal investments in building strong and resourceful tribal communities
- The strategic importance of addressing crime problems through system-level (rather than program-level) thinking
- The powerful, intertwined influence of nation building, culture, and context on change efforts in Indian Country
- The role sustainability goals should play in the design of such initiatives

The dynamics surrounding these factors over the course of the Project were complicated and presented difficult challenges for the participating federal agencies and for the participating tribes. Even so, CIRCLE made an important contribution to the tribes' efforts to design and build stronger justice systems, and thus, we present our discussion of the bulleted points above as opportunities for increasing the value of future federal investments in building strong and resourceful tribal communities.

## **Opportunity 1: Build on the Federal Partners' Efforts to Support Comprehensive Justice System Planning**

The considerable challenge the federal CIRCLE partners faced was to craft a set of tools and opportunities that tribes could use in building and/or strengthening their justice systems, and to do so despite the fact that their efforts were greatly inhibited by, among other things, the sheer size and complexity of the relevant federal partner agencies, numerous federal guidelines and legislative restrictions that govern relationships with grantees, and inevitable shifts and conflicts in values and priorities in changing political climates. In the face of these barriers, the federal partners forged a strong inter-agency working group that succeeded in creating a significant set of opportunities for the tribes. Our site-based interviews and observations point particularly to two working group products that provided valuable support to the tribal partners' efforts:

- The federal partners' work toward streamlining and coordinating funding, and
- Improved communication and cooperation among the federal partners themselves and between the federal partners and tribes

These products provided the participating tribes with a mix of “system change” tools and opportunities (for example, preferential access to selected program resources) in exchange for local efforts to strengthen justice systems and local commitments to performance accountability. Viewed thusly, the context for CIRCLE includes not only comprehensive tribal justice initiatives but also similar comprehensive initiatives by the federal and state governments in the health, social service, and justice arenas.

This broader array of reform initiatives is producing evidence that comprehensive system change *can* help communities make progress toward important social goals (improved safety, improved health outcomes, etc.), and it is generating a valuable set of lessons learned about how to accomplish such change. Based on these findings and our analysis of CIRCLE, we recommend that USDOJ build on the approach it took to the Project in future initiatives. Formalizing the CIRCLE working group (and, over time, vesting it with increased authority and resources) could be an effective means of sustaining the opportunities and incentives the Project provided. Further, we note that there are existing federal models for improving and institutionalizing the type of funding CIRCLE offered tribes. The most flexible model is block grants; the federal Local Law Enforcement Block Grant and Juvenile Accountability Incentive Block Grant are examples of two such USDOJ programs. They provide substantial funds to cities and counties with limited restrictions on their use. Progressive communities have used the grants as “innovation funds” and invested the money in improvements to overall system performance.

## **Opportunity 2: Use the Concept of Nation Building to Guide the Initiative's Goals, Plans, and Implementation**

“Nation building” refers to the process, undertaken by indigenous nations themselves, of constructing effective institutions of self-government that can provide a foundation for sustainable development, community health, and successful political action. In other words, it is the process of promoting Indian nations' self-determination, self-governance, and sovereignty –

and, ultimately, of improving tribal citizens' social and economic situations – through the creation of more capable, culturally legitimate institutions of governance. Our observations suggest there are two reasons why the nation-building process is important to CIRCLE. The first might be called a “frame of reference” problem, the second a missed opportunity.

### **Using Nation Building as a Frame of Reference Will Improve Communication and Project Design**

As a frame of reference, the leaders, governmental personnel, and citizens of tribes generally think of their tribes as nations and, hence, make decisions and undertake initiatives based on this understanding. Committed tribal nation builders add an additional layer to this viewpoint. They realize that their nations participate in federally funded projects like CIRCLE by choice; the federal government cannot tell them to take the money, they can opt not to, and they can take action to accept federal support on their own terms.

Initial documents describing CIRCLE reflect USDOJ's appreciation of tribes' nationhood. It is less clear that the USDOJ grant managers and technical assistance providers participating in CIRCLE consistently embraced this orientation. Unfortunately, any time federal CIRCLE partners failed to recognize tribal partners' “national” orientation, a functional mismatch arose, with tribal partners thinking and acting as national representatives and federal partners treating them in a more conventional manner (as typical “grantees,” “programs,” or “local governments”) – with generally detrimental results. This “frame of reference problem” generated disjunctions between the options tribal partners believed they ought to have and the options the federal partners believed were available. The results were stymied negotiations, frustration on both sides, forced “compromise,” and lower productivity.

Critically, the point is not that tribes' requests must always be honored. Rather, the federal government *and tribes* must work harder to share the “tribes as nations” frame of reference. If tribes' nationhood is a consistent focus, federal and tribal representatives may find more fruitful ways to negotiate and compromise, and tribes may gain increased control of their futures by exercising greater choice over the types of funding they accept and programs they develop.

As noted, an important consideration for tribes is that the nation building perspective obligates them to think strategically about the role grant opportunities play in nation building. For tribes that recognize the importance of nation building, the question is difficult: does this initiative offer the opportunity to make a sound investment in more capable tribal institutions, or does it commit us to yet another three-year cycle of short-term jobs and unrealistic expectations for improvements in social conditions? When tribal leaders and grant seekers have answered this question honestly, their priorities may necessarily shift; for example, a tribe may request the opportunity to think more fundamentally about strategies that move the tribe forward along the path of nation-building, and might request not “program support,” but a very different set of resources (such as technical assistance and support for thorough planning and assessment). There is, of course, tremendous pressure on tribes with limited funds to pursue new grant opportunities regardless of their long-term value. We propose, however, that there may be substantial untapped value in communicating to funders that piece-meal, categorical, and culturally inappropriate grant initiatives are of little use – and that one powerful way of communicating this would be for tribes to refuse participation in such initiatives.

## **Identifying Nation Building as a Shared Goal Will Improve Focus and Productivity**

Well-understood, deeply shared goals are valuable because they serve as organizing principles and ultimate objectives. Our sense is that the tribes and USDOJ agencies participating in CIRCLE lacked such a goal. Further, we believe that identifying “nation building” as CIRCLE’s overarching goal would have served the purpose – and that not identifying it as the explicit goal for CIRCLE was a missed opportunity, which ultimately prevented funds from being used in the most productive manner possible.

In the future, USDOJ ought to adopt nation building as its overarching goal for projects in Indian Country. The goal would better coordinate federal partners’ actions by requiring them to pass their plans and activities through this filter: *do the plans and activities of our organization support tribes in the process of constructing effective institutions of self governance that can provide a foundation for sustainable development, community health, and successful political action?* The filter for Indian nations is similar: *does the strategy we propose for strengthening our justice system fit with our long-term efforts to become a stronger, more resourceful community?*

## **Opportunity 3: Take Context and Culture Seriously – Generate More Tailored Tribal Strategies**

The CIRCLE tribes display great variation in terms of culture, political systems and stability, demographics, criminal justice system organization, available social services, proximity to urban areas, etc. Understanding of these factors is essential, as they create the local context for change. Done well, assessment honestly portrays this context, revealing the challenges and resources present within the community. By clarifying and highlighting local constraints and opportunities, good assessment results in good strategy, or in *practical* expectations of how and how much change will be achieved. Indeed, research and experience with similar community initiatives recommend a structured and intensive period of assessment and planning. Yet this connection between context, assessment, and strategy was not evident in the development and initiation of CIRCLE, as the Project moved straight to a strategizing phase.

The tight connection between assessment, planning, and strategy suggests that because contexts differ, strategies ought to differ. Here we focus on a particular aspect of that point: the partner tribes’ highly distinct cultures increase the probability that different strategies will be needed within each community in order to generate substantive justice system change. Significantly, there is growing evidence on the connection between culture, institutional and strategic design, and organizational or programmatic success. One body of evidence concerns the success of governing institutions in Indian country. Research has found that better-performing tribal governments are in the development “driver’s seat” and possess constitutional-level institutions that pass the twin tests of cultural legitimacy and capability. In other words, effective tribal government institutions distribute power and authority in ways that make sense to their citizens (where “what makes sense” is based on a Native nation’s living culture) and are capable of getting things done in the contemporary world. The critical cultural variable has been called “cultural match”: if a nation’s institutional rules and processes are culturally legitimate, they underwrite socioeconomic progress; if not, progress is difficult.

This research on constitutional-level institutions is complemented by emerging evidence that culturally appropriate strategies increase the success of a wide variety programs and processes. For instance, culturally appropriate strategies appear key to the progress some Native nations are making against hard problems such as community infrastructure development, healing for victims of sexual abuse, and diabetes. Criminal justice programs and institutions with cultural match also may generate improved outcomes; for example, they may reduce recidivism. Especially when combined with strong signals from the tribal CIRCLE partners, the research indicates that success is more likely if strategies vary appropriately with tribal settings.

Nonetheless, the architects of CIRCLE and the ongoing federal working group did not adequately define and support the role culture might play in tribal programs and strategies, in the design of the individual agencies and institutions that make up tribal justice systems, and in the overall design and administration of the systems themselves. The challenge here is an important one. For any given Indian nation, the systems that animate and guide criminal justice functions (policing, prosecution, corrections, etc.) – including the organizational structures of individual agencies and the criminal justice system overall, tribal personnel and training systems, local management information and control systems, and tribal agencies that conduct strategic planning – ought to be linked to a vision of these criminal justice functions that is shaped by the nation’s beliefs, needs, priorities, and resources. As a result, the agencies charged with administering justice would become more indigenous (or self-determined), more likely to build upon and reinforce important cultural norms and values, and more valuable to the community.

We acknowledge that it is not easy to hearken to this call for more tailored, culturally appropriate strategies. Federal players may find it difficult to work within their institutional and legislative constraints to help tribes craft such strategies, and tribes may lean toward the path of least resistance and return to the procedures and policies of the past, despite the probable success of new approaches. However, federal agencies have well-developed roadmaps for instituting funding streams that provide greater flexibility to localities, including tribes. We again cite Local Law Enforcement Block Grants and Byrne discretionary grants, which afford cities and counties substantial discretion in how they are invested, as well as the self-governance amendments to Public Law 93-638, which provide substantial discretion to tribes in how they are invested. As emphasized under Opportunity 1, our point is not that the right funding mechanisms presently exist, but that there is precedent for them in current government practice. With appropriate legislative changes, the development of corresponding support functions within USDOJ, and knowledge about these opportunities in Indian country, similar programs could promote the more effective use of USDOJ resources for tribal justice system enhancement.

#### **Opportunity 4: Introduce a Focus on Sustainability from the Start**

For the purposes of this evaluation, we think it is useful to define sustainability in two ways. First, those changes in institutional and system design and operation that are most able to weather fiscal, political, and other challenges over an extended period of time may be defined as “sustainable.” Sustainable change may arise from investments in infrastructure, training, and technology, but more precise identification of the contributing factors also necessitates, as we suggest under Opportunity 3, careful consideration of the local context. Guiding questions must be: given this particular cultural, social, and political setting, do investments in (for example)

institutional re-design, government structures, staff development, or technology make sense as a means of promoting project sustainability? What makes programs live on in this nation? Second, sustainability is related to the specific investments that maximize local actors' effectiveness both during and after the period for which the initiative is funded. The tribal CIRCLE partners are managing change within and across sectors in complicated political, cultural, and social settings, with limited resources. What kinds of support and professional development opportunities will optimize their contributions over time?

### **High Quality Technical Assistance Plays a Key Role in Sustainability**

A critical investment is in good technical assistance (TA). High quality TA promotes both types of project sustainability, and thereby increases the odds that a project will result in system change. At the least, it leaves behind human capital, data, or procedural tools; even if a program or initiative withers after the withdrawal of external funding, these are bases on which an individual or community can later build. At best, TA promotes the creation of sufficient capacity for the initiative to carry on and meet its goals.

Across the sites, CIRCLE affiliates who received on-site, program-specific technical assistance told us how much they learned from and enjoyed the trainings and other TA opportunities provided through CIRCLE. Unfortunately, CIRCLE coordinators, steering committees, partner program directors, and partner program staff also reported that there was too little TA, that the time gap between the request for and provision of TA was too large, and that the TA needed often extended beyond USDOJ's traditional areas of expertise. For example, USDOJ fruitfully provided training in community policing and to court-appointed special advocates and provided technology assessment TA, but tribal-level implementers' needs extended to TA on evaluation, institution building (and cultural match), strategic planning, political communication and strategy, leadership development, incorporating the community in decision making, and financial management and budgeting, among others. For an agency like USDOJ to provide or even fund such TA may be a challenge, but evaluation findings argue that it would be a challenge well met.

Intriguingly, providing better TA may provide the means for offering more TA. The key is recognizing the TA-increasing implications of two facts: 1) that good technical assistance can reduce or even replace the need to monitor compliance; and 2) that meetings (cluster meetings, for example) and other already-funded project-related events offer opportunities for peer TA.

Expanding on the first point, we note that many non-federal government funders (especially foundation actors) have made, or are making, a gradual shift away from intensive monitoring and toward intensive, well-rounded technical assistance. There are several reasons for this shift. Certainly, it creates a better sense of partnership. Joint involvement in TA would create situations in which the federal government and tribes truly partnered in problem solving, where by contrast, monitoring visits leave the impression that federal actors are interested only in overseeing tribal efforts. But it is also cost-effective. Good TA, that which is targeted at specific site needs and addresses problems in a way that is useful to implementers, provides essentially the same information as monitoring. If grantmakers are actively involved in the delivery of such TA, it becomes a "twofer" and makes for a better use of funds.

## **Investments in Local Leadership Play a Key Role in Sustainability**

Cross-site study underlines the importance of quality local leadership to the effectiveness and sustainability of the CIRCLE Project. The site coordinators appear to be particularly important local leaders: when we asked questions at the sites about sustainability, we invariably were told that sustainability depended on the Project’s coordinators (the role, not necessarily the person), in that the coordinators promoted an overall vision for the Project within the community and helped ensure that the entire effort continued to move forward.

This finding argues that investments that support the site coordinators – and other local leaders and stakeholders – or build their capacity to do their jobs well are likewise investments in sustainability. In future initiatives, federal and tribal actors should consider providing these local leaders with carefully designed support and capacity enhancements.

## **A Closer Look at the Federal Process**

We have noted that the federal partners produced two extremely important products in the implementation of CIRCLE – a streamlined and coordinated approach to funding and better inter-agency and federal-tribal communication. While we were critical of the lack of an overarching goal to focus CIRCLE work, the many “sub goals” the federal partners set for themselves offer another evaluation opportunity: analysis of the federal partners’ progress against their goals provides a more nuanced understanding of Project accomplishments and failures. A summary of this progress is presented below.

*Goal: to accelerate and coordinate USDOJ programs and grants at CIRCLE demonstration sites to guide general implementation of the Indian Country Law Enforcement Initiative*

In general, CIRCLE succeeded in accelerating the participating tribes’ receipt of an overall set of program funds from the U.S. Department of Justice, which allowed them to begin implementation quickly. But this is not to say that acceleration is necessarily a good thing. The Northern Cheyenne Tribe and the Pueblo of Zuni were administratively prepared for the Department’s rapid grant award, but the Oglala Sioux Tribe was not. The Department’s subsequent decision to freeze Oglala Sioux’s receipt of CIRCLE funds suggests that acceleration is desirable as long as a tribe’s financial management infrastructure is adequate and accountable. Furthermore, acceleration of funding forced the tribes to bypass early-stage assessment and follow-on strategic planning.

On the positive side and as noted earlier in this summary, the federal CIRCLE partners also succeeded in coordinating funding and, to a large extent, grant management, accomplishments that provided valuable support to the tribal partners’ efforts.

*Goal: to promote the inter-tribal exchange of ideas and experiences in law enforcement, community development, and federal-tribal relations*

Cluster meetings were the right first step toward achieving this goal. They were a deliberate attempt to gather together tribal-level change agents, program directors, and leaders who were

working on similar issues and striving toward related goals. Yet the meetings fell short of their potential. They might have been more useful had the participant tribes been given more latitude in meeting planning. But funding realities also mean that this freer hand must be accompanied by an upfront, explicit, and *mutually understood* explanation of the kinds of activities that can legitimately be supported. (We add emphasis to “mutually understood” as we were told that the federal partners believed they had informed the tribal partners about the limitations on the use of federal funds. This suggests that a still more explicit and affirmed understanding is necessary in the future.) With this understanding, tribal partners are savvy enough and creative enough to work within constraints or to seek non-federal sources of funding (tribal funds, foundation funds, private donations, etc.) to support more innovative and productive meetings.

*Goals: i) to develop a comprehensive planning and development process for safe and healthy tribal communities, and ii) to foster true strategic planning and to increase the partnership between tribes and USDOJ*

These related goals link comprehensive and strategic planning to two very different but desirable outcomes – safer communities and improved government-to-government relations. While outcomes data to lend credibility to the first point is not yet available, several factors suggest that CIRCLE has at least partially met these goals.

The tribes’ CIRCLE Project applications are one piece of evidence that CIRCLE assists tribes with comprehensive and strategic planning. Especially for years two and three, the application process served as a tool and opportunity for strategic planning; the applications that emerged for Northern Cheyenne and Zuni in 2000, and all three tribes in 2001, reflected significant improvement in the development of strategic and comprehensive plans. But USDOJ did less than it could have to develop and foster sound planning processes. As has been noted, goal one (accelerated funding) is itself a barrier to improved planning, since good strategic and comprehensive planning takes time and should be preliminary to program implementation. In general, sound planning processes also require site-specific, problem-targeted technical assistance, especially in the form of baseline assessment, which was not really part of CIRCLE.

With regard to the connection between strategic planning and federal-tribal partnership, both federal and tribal commentators suggested that CIRCLE’s short time horizons and limited investments in strategic planning stood in the way of a long-term sense of partnership. A government-to-government relationship isn’t “here today and gone tomorrow”; tribes need to sense that the federal government is working with them over the long haul. Critically, substantial funding transfers are only one indicator of a positive long-term relationship. Personnel availability, technical assistance, support for assessment and planning efforts, and institutionalized training within USDOJ on Native issues are other means of building enduring partnerships.

*Goal: to address (or at least draw attention to) the baseline roadblock that tribes have in developing comprehensive programs – serious gaps in their criminal justice systems*

While it is not clear that this understanding has broadly permeated USDOJ, the six Offices and Bureaus collaborating on CIRCLE Project funding were forced, time and again, to recognize the limitations on action posed by system gaps. For example, increasing the size of a tribe’s police

force has a limited impact on tribal law enforcement if there are too few prosecutors, judges, jail spaces, and/or probation officers to make police officers' citations have bite. Given that they faced these problems, the federal partners also worked with the tribal partners to fill the gaps.

*Goal: to highlight the need for additional and more consistent resources for tribal law enforcement projects (and to remedy the problem, at least for a little while, for the three participating tribes)*

For the three years of CIRCLE, it seems clear that the Pueblo of Zuni and the Northern Cheyenne Tribe (neither of which experienced a CIRCLE funding freeze or uncertainty around the third year of corrections construction funding, as did the Oglala Sioux Tribe) did receive funding from USDOJ in a more consistent manner than they would have without CIRCLE. Again, it was the guarantee of funds from the federal partners that generated this consistency. When looking beyond the three years of Project funding, however, the guarantee is gone and any strong sense of "consistency" in funding is gone too. At best, there is a weaker version of "more consistent funding" in play once the Project ends: the federal partners are now much better informed about each other's programs and can better direct tribal applicants to appropriate and additional funding sources when questions arise. Of course, this benefit lasts only as long as the federal personnel who worked on CIRCLE remain in their positions and the current grant program structure lasts.

## **Summary and Conclusion: What Was Accomplished**

In every instance, evidence from the preceding review of the federal government's involvement with the CIRCLE Project suggests that CIRCLE helped USDOJ move in the direction of its goals. Sometimes the movement was not far, but it was progress nonetheless. Sometimes the progress was made in the face of difficult tensions – between "policymakers" and "grantmakers," between the tribes and USDOJ, and perhaps even among grantmakers themselves. But the progress suggests that the undertaking was productive, and with that result, USDOJ ought to think seriously about how to build on and move forward from the CIRCLE Project.

This recommendation is further supported by the fact that the CIRCLE Project helped strengthen the justice system at each of the tribal sites:

- It enabled the Pueblo of Zuni to make substantial progress toward the development of a functioning criminal justice *system* by: (1) strengthening the performance of agencies such as domestic violence service providers, the police department, corrections, etc.; (2) building a management information system capable of providing timely information on the performance of individual agencies and the system as a whole; and (3) developing a logic model that has helped the tribe craft a strategic approach to "breaking the cycle of violence."
- It has helped a set of key Northern Cheyenne leaders and community members consider the importance of developing a tribal Department of Justice; allowed the creation and expansion of programs that support a better tribal court (probation programs, victims assistance programs, and court clerk positions); and enabled an

ongoing focus on the problems of the nation's youth and the development of a youth rehabilitation center to complement other youth outreach efforts.

- It has provided citizens of the Oglala Sioux nation an opportunity to identify how their culture and other important features of the local context should influence the design of their criminal justice institutions. This has, in turn, provided reformers with a framework for rethinking the design of current institutions and agencies charged with addressing crime and crime-related problems.

Taken together, these accomplishments and the valuable new knowledge produced by the CIRCLE Project suggest that the federal investment in CIRCLE was a worthy one.

## Introduction to Evaluation Documents

This collection of documents comprises the first (process) phase of the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project evaluation. The combined process and participatory qualities of this evaluation phase generate a complicated set of products. It includes:

- *Cross-site analysis.* The opportunities, accomplishments, and continuing challenges for both the tribes and the federal government are described together in a cross-site analysis, a piece which we offer at the outset of the evaluation documents as an integrated discussion of the individual products listed below.
- *Federal process evaluation.* Not only the tribes, but also the participating federal agencies were engaged in an important change effort. They were attempting to change the way the federal government worked with tribes seeking to improve the capacities of their justice systems. This evaluation explores in detail how the federal partners' innovative efforts evolved into design features of the initiative, and whether or not, through those efforts, they succeeded in meeting their goals.
- *Tribal summaries.* Each tribe was provided a process-oriented account of its implementation work, and summary versions are included with this report. The emphases, formats, and contents of the accounts are very different, differences that are a result of tribal priorities. The Zuni, for example, were less interested in a review and analysis of their work to date than in identifying the elements of a theory of change and a framework for ongoing evaluation efforts. The Northern Cheyenne originally sought assistance in placing CIRCLE in the context of a number of similar efforts they have undertaken (Weed and Seed and the Indian Country Justice Initiative, for example); that has since evolved into a concern with the links between CIRCLE and the capacity of the Tribe's justice system to operate as a fully functioning, independent "Department of Justice." The Oglala have begun to tease apart the complicated role that CIRCLE, especially through community-based organizations in the partnership, might play in the reform of core governance institutions.

# **Opportunities for Moving Forward: Recommendations from Cross-Site Analysis**

## **Introduction**

The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project is a groundbreaking effort. CIRCLE produced valuable new knowledge on the strategic importance of addressing crime problems through system-level (rather than program-level) thinking, on the promise of federal cross-agency (and, potentially, cross-department) cooperation and coordination as a means of maximizing the value of federal investments in building strong and resourceful tribal communities, and on the critical role that tribal sovereignty and culture play in creating effective tribal institutions.

The architects of CIRCLE drew on a number of previous U.S. Department of Justice (USDOJ) efforts in shaping and managing the overall initiative, including the Indian Country Law Enforcement Improvements Initiative, the Indian Country Justice Initiative, tribal Weed and Seed programs, and the Tribal Strategies Against Violence Program. Just as these programs and projects influenced the design and implementation of CIRCLE, there are valuable observations and conclusions that can now be made about CIRCLE that tribes and the Department might use as they consider the design, funding, implementation, and oversight of future projects.

This section presents those observations and conclusions. They are grounded in our understanding of the sites' efforts to strengthen their justice systems, reports from on-site implementers of their experiences and concerns, and reports from both tribal and federal partners on their experiences working together. Because we conclude that CIRCLE was a productive investment of the efforts and resources of all the participating partners, we present our findings as opportunities or "next steps" for the U.S. Department of Justice other federal agencies as they continue to expand and improve their partnerships with American Indian nations and for tribes as they continue to strengthen their justice systems.

## **I. Opportunity 1: Build on the Federal Partners' Efforts to Support Comprehensive Justice System Planning**

CIRCLE was an important step forward for the U.S. Department of Justice in terms of its engagement with Indian nations and an important step forward for tribes in their thinking about the design of better-functioning justice systems. These strides suggest that USDOJ would do well to build on CIRCLE by offering similar but improved programs in the future. This section demonstrates that ideas for this process emerge from the consideration of CIRCLE's broad context (its sister comprehensive justice and comprehensive community programs) and the lessons it offers, and from the identification of CIRCLE's specific management successes and the ways the Department might move forward from them.

## **CIRCLE's Context: Related Comprehensive Justice and Community Initiatives**

The broader context for CIRCLE includes not only comprehensive tribal justice initiatives but also similar comprehensive initiatives by the federal and state governments in the health, social service, and justice arenas.<sup>1</sup> As with CIRCLE, the initiatives provide communities with a mix of “system change” tools and opportunities (preferential access to selected program resources, waivers of categorical program mandates, relaxation of restricted funding streams, among others) in exchange for local efforts toward strengthening health, social service, and justice systems. These ambitious efforts often entail increased attention to performance accountability (including more rigorous approaches to evaluation), collaborative planning, and strong commitments to institutional reform. For example, California’s AB 1741 (a tradition in California is to name such initiatives after bill numbers) permitted a number of counties to use state health and social service funds much more flexibly and reflected a major shift in authority from the state to counties. Placer County, a community of about 250,000 residents located in the foothills of the Sierra Nevada Mountains, used this opportunity to undertake comprehensive social service system reform (Giffen 1998). The state of Iowa’s “decategorization” program is an example of a state offering local communities performance-based incentives linked to increased funding flexibility (Cutler 1994). These and examples like them are producing a set of lessons learned on how the provision of tools and opportunities for comprehensive system change can contribute to improved social service, health, and justice system performance and, ultimately, to progress against important social goals (safer communities, improved health outcomes, and so on).

Notably, the programs that offer lessons for CIRCLE and similar future initiatives are diverse. Passed through an appropriate “filter,” or understanding of what works in Indian country and why (questions explored later in this paper), not only past U.S. Department of Justice efforts, but many other initiatives can provide valuable guidance to Native nations and their funding partners in the implementation of tribally based comprehensive programs.

## **Meeting the Challenge of Implementing and Managing a Comprehensive Program**

One of the first lessons that emerges from the universe of like programs is this fact: government actors seeking change, whether they are the sponsors of such initiatives and functioning in an oversight or funding role or whether they are local actors in system change, face daunting obstacles. The various factors that preserve narrow, poorly coordinated, categorical program and funding mandates include nothing less than custom, politics, personality, and law. Furthermore, though change agents in oversight/funding and implementation are actually involved in a single, overarching challenge, their different roles generate dramatic differences in perspective and their relationships are not always amicable. It is, for example, common for communities to complain

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<sup>1</sup> In some cases, health, social service, and justice systems have been combined as the focus of comprehensive community initiatives, and more than one tribal partner noted the potential value of combining CIRCLE with similar initiatives targeted at these other systems. Arguments in favor of a broader approach include the fact that the systems often work with the same populations on related problems and that they (unproductively) compete for resources to do so. It is clear that, for example, a more efficient and effective response to alcohol abuse in Indian Country would require a coordinated effort across health, social service, and justice systems.

that state and federal level agencies preach cooperation and collaboration without practicing it.<sup>2</sup> In other words, the challenges players in either role face are formidable, and they may even see their partners in oversight/funding or implementation contributing to those challenges.

The tribal partners in CIRCLE reported exactly this type of problem. An important part of the philosophy of the CIRCLE initiative was that through cooperation and collaboration, the tribal programs participating in CIRCLE could deliver better services to their clients. Thus, the tribal partners reported that it was common for the federal partners to encourage them to find ways to work together, cooperate, and support each other. This advice was well intended; active cooperation and collaboration were not business as usual for many of the tribal programs, which implied that cooperation had great synergistic potential. Yet the tribal partners also felt that the advice was confounding, as it was not always apparent that the federal partners were willing (or able) to take it themselves. Again, the experience and expertise offered by the broader context of comprehensive community initiatives offers a helpful lesson. Focus on an overarching goal allows participants to continue to work together despite tension – even conflict – between their interests and perspectives. Our opinion about what that goal should be is discussed explicitly under Opportunity 2. For now, the point is that a common, well-understood, deeply shared goal can reduce the inevitable tensions that surround initiatives like CIRCLE.<sup>3</sup>

The considerable specific challenge the federal CIRCLE partners faced was to craft a set of tools and opportunities tribes could use to strengthen their justice systems, and to do so despite the fact that change at the federal level is greatly inhibited by, among other things, partisan politics, the sheer size and complexity of the relevant federal partner agencies, and numerous funding guidelines and restrictions that circumscribe the partner agencies' work. Yet in the face of these obstacles, the federal CIRCLE partners were remarkably successful in creating a limited but quite important set of opportunities useful to the tribes for pursuing system change.

The method the federal partners used was to forge a strong working group with representation from a number of departments and agencies, which met regularly over an extended period. It seems to have been led not by one agency or individual, but by a core set of agency representatives who were sufficiently committed to the initiative's goals to work on a difficult set of problems for a relatively long time. Two characteristics of the working group stand out. First, the group kept a focus on the outcomes they sought (this is similar to the point about goals above, but applied to a subset of the partners). Second, they used this commitment to outcomes to “stay at the table” until they had created meaningful new opportunities for the tribes. This second characteristic fits well with another of the lessons learned from other comprehensive community initiatives – that the actors “steering” change must view their efforts as part of a long-term commitment (Gardner 2000).

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<sup>2</sup> Some experts on system change have observed a fairly strong correlation between the size of an agency or jurisdiction and its ability to implement system reform: the larger the agency or jurisdiction, the more difficult it is to achieve meaningful change.

<sup>3</sup> Another typical challenge to system-change efforts is finding a balance between the seemingly conflicting objectives of increasing local (here, tribal) control and ensuring acceptable levels of accountability. Sister initiatives actually provide a set of “guideposts” that the architects of future USDOJ initiatives might use in balancing these objectives. We discuss these guideposts further in Opportunities 3 and 4.

## **Federal Products of CIRCLE**

Our interviews and observations at each of the sites point particularly to the value of two products of the federal working group in supporting the efforts of the tribal partners. One of these was the federal partners' work toward streamlining and coordinating the funding process. The other was the improved communication and cooperation among the federal partners and between the federal partners and the tribes. Greater detail of the benefit of these products is provided below. In general, however, these two efforts enabled the participant tribes to make significant progress in shaping stronger justice systems, whether that was to think in very fundamental terms about what a successful justice system might look like or whether it was to shape the work of only marginally coordinated agencies into cohesive systems.

### **Streamlined Funding**

The initiative's efforts to streamline funding were especially valuable to the participating tribes (as they have been for parties engaged in a wide range of similar initiatives outside of Indian country). One way of illustrating this point is to think of the organization and alignment of funding streams as existing along a spectrum, from highly restricted, categorical funding on one end to funding through block grants, which provide significant flexibility in terms of program and system design, on the other. When tribes are restricted to developing their justice systems through categorical funding, the opportunities to think comprehensively and to design local institutions and strategies to meet tribally defined goals are limited (if not nonexistent). By offering tribes the opportunity to apply for funding from the six partner agencies and offices in CIRCLE, USDOJ took an important step toward freeing tribes interested in comprehensive work on justice issues from searching out a set of categorical programs that had some "fit" with each other and the tribes' goals, negotiating with those programs for funding (or entering the "lottery" for those programs' support), and trying to explain throughout implementation why a more comprehensive approach matters.

We note, however, that while CIRCLE has created important new opportunities for tribes' to think comprehensively and strategically and to self-define the ends they wish to meet with their programs, it still falls short of providing the opportunities for strategic thinking and system reform that would be offered through a block grant funding approach. CIRCLE was a menu of resources (grant dollars and technical assistance) that, ideally, provided tribes with the opportunity to develop a strategy and then select the resources that supported the implementation of that strategy. While it was a step forward, the problem with CIRCLE's funding approach is that it cannot support just any strategy a tribe decides upon. A tribe might decide on a strategic element for which no menu item can provide financial support, which then forces a somewhat backward approach: tribal program planners must stitch together a strategy based on the resources that are on the table. This is the roadblock to full strategic thinking and comprehensive system change that a more flexible funding structure could overcome.

### **Improved Inter-Agency and Federal-Tribal Communication**

Categorical program mandates, institutional policies and procedures, and custom at both the federal and tribal levels contribute to poor system design and functioning at the tribal level. One important goal of CIRCLE (and similar initiatives) was to provide the opportunity and impetus to productively organize the efforts of a variety of agencies and actors with differing mandates and funding constraints around a mutually agreed upon set of goals (for example, to reduce youthful

offending). While CIRCLE did not eliminate these mandates and constraints, it is clear that the federal partners' attention to improved communication, coordination, and cooperation complemented streamlined funding in enhancing tribes' ability to address critical crime and social problems in a systematic and strategic fashion. Communication and cooperation at least laid bare the differences between programs and allowed the partners to wrestle with the implications.

The development of the working group not only facilitated improved communication across federal agencies, but also facilitated improved communication between the federal agencies and the tribes. This created a vigorous conversation between the sites and the federal participants on a number of topics. The original goal was to create a system of communication between the federal working group and the tribes that was "streamlined" in a manner roughly analogous to the streamlining of funding: each tribal CIRCLE Project coordinator was to have a single point person within the working group (instead of having to talk to different individuals in each of the six offices that funded the tribes' CIRCLE components), and tribal partners at all levels of government and program administration were to have federal contacts with similar levels of authority. While both the tribes and the federal partners implemented the communication model somewhat imperfectly, it nonetheless created an environment in which the tribal partners found much more support than they did prior to CIRCLE for thinking on system terms.

### **Building on CIRCLE's Successes**

Viewed in the context of the U.S. Department of Justice's previous comprehensive tribal justice initiatives, such as Weed and Seed, the Indian Country Justice Initiative, and Tribal Strategies Against Violence, CIRCLE represents a significant step forward – which suggests that its critical components should not be forgotten as the Department continues its work in Indian country. Yet CIRCLE's streamlined funding structure was a pilot project and the improved federal communication and cooperation informal. Neither, therefore, can have a long lifetime without some sort of institutionalization. Looking to the still broader context for lessons and ideas, one possibility is for the CIRCLE work group to be formalized as an inter-agency task force. This is a model that, for some other comprehensive community initiatives, has been a means of preserving the progress made toward more streamlined funding and improved communication and cooperation across agencies. Another lesson, however, is that even this success is likely only if the task force accrues the authority and resources necessary to give it a voice in policy making.

We also note that there are existing federal programs (including programs currently administered by the U.S. Department of Justice) for improving and institutionalizing the type of funding offered to tribes through CIRCLE. The most preferred model is block grants; the federal Local Law Enforcement Block Grant and the Juvenile Accountability Incentive Block Grant are examples of two such USDOJ programs. They provide substantial funds to cities and counties with few restrictions on their use. The most progressive communities have used these grants as "innovation funds" and invested the money in improving overall system performance.<sup>4</sup> The Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which offers both discretionary grants directly to local governments and non-profit agencies and formula grants to states with local pass-through options, is another federal program that offers a model

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<sup>4</sup> Personal communication with representatives from the Cosmos Corporation (which is evaluating the Local Law Enforcement Block Grant program for USDOJ), summer 2001 and summer 2002.

for improved funding of tribal justice functions.<sup>5</sup> The uses to which these funds may be put are restricted (there are 29 federally authorized purposes); nonetheless, the set includes purposes of the sort to which the demonstration tribes applied CIRCLE funds. Finally, the current Public Law 93-638 contracting process, which allows tribal governments to assume responsibility for functions that might otherwise be performed by the Department of the Interior or Department of Health and Human Services, could be amended to support a somewhat less restrictive approach to funding as well. We would be even more supportive of funding of the type that occurs under the auspices of the self-governance amendments to P.L. 93-638; financing through self-governance compacts is another form of block granting and, thus, provides tribes with much more control over government functions than is permitted under P.L. 93-638 contracts. In sum, the point is that currently existing federal programs – both inside and outside Indian country and inside and outside the U.S. Department of Justice – provide a roadmap to Congress, the Administration, and USDOJ for increasing the flexibility of funding streams and providing even better support of comprehensive justice system change in Indian country.

## **II. Opportunity 2: Use the Concept of Nation Building to Guide the Initiative's Goals, Plans, and Implementation**

### **What Exactly is Meant by a Focus on Nation Building?**

“Nation building”<sup>6</sup> is a term used increasingly in the literature and by leaders in Indian country to refer to the process of constructing effective institutions of self governance that can provide a foundation for sustainable development, community health, and successful political action. In other words, it is the process of promoting Indian self-determination, self-governance, and sovereignty – and, ultimately, of improving tribal citizens’ social and economic situations – through the creation of more capable, culturally legitimate institutions of governance.

As applied to Indian country, the term is rooted in the treaties tribes signed with foreign sovereigns (including the United States) in the post-contact period and embraces Chief Justice John Marshall’s admission that American Indian tribes are “domestic dependent nations” (or, as Vine Deloria and Clifford Lytle more poignantly state, “the nations within”).<sup>7</sup> By calling attention to tribes’ nationhood, the term emphasizes the fact that tribes are not vestigial elements of American society, but an enduring *yet separate* part of it. Additionally, the term acknowledges Indian nations’ need for governing institutions capable of dealing with contemporary issues – be

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<sup>5</sup> Indeed, tribes are already eligible for such grants, although few, if any, have been given grants under the program. For more information, see <[www.ncjrs.org/html/bja/edbyrne/](http://www.ncjrs.org/html/bja/edbyrne/)>.

<sup>6</sup> The authors understand that in the current political climate, this term has some negative connotations. We do not use it in the same sense. The American Indian nation building we refer to is that of Native people building their own nations, not having external parties impose institutional elements upon them. In fact, the external imposition of institutions has been tried in the Native context and proven a dismal failure, a result that supports the contemporary hesitation to permit the United States government to engage in “nation building” abroad.

<sup>7</sup> The term “domestic dependent nations” originated in Chief Justice John Marshall’s opinion in *Cherokee v. Georgia* (1831). Vine Deloria, Jr. and Clifford Lytle are the authors of the book *The Nations Within: The Past and Present of American Indian Sovereignty* (New York: Pantheon Books, 1984).

they problems of crime, financial management, mental health, or international trade – and that tribes must make conscious efforts to build indigenous institutions that are up to the task.

### **Why is Nation Building an Important Idea for CIRCLE?**

Our observations suggest that there are at least two reasons why the nation-building process is important to CIRCLE and like programs. The first might be called a “frame of reference” problem, the second the occurrence of a missed opportunity.

#### **The Frame of Reference Problem**

As a frame of reference, the leaders, governmental personnel, and citizens of tribes generally think of their polities as nations and, thus, make decisions and undertake initiatives based on this understanding. With regard to participation in federally funded projects, tribes’ nationhood and the process of nation building mean that tribes participate in such projects by choice; the federal government cannot tell them to take the money, tribes can opt not to, and they can take action to accept federal support on their own terms.<sup>8</sup> Ideally, tribal nations’ participation reflects these questions and decisions: does the federal funding offer fit with our vision for our nation? Does it help us implement the strategic plan our tribe has for nation building? Does it help us strengthen the institutions and processes that we have identified as in need of strengthening (and in ways that make sense to us)?

Initial documents describing CIRCLE reflect USDOJ’s appreciation of tribes’ nationhood. For example, the “Memorandum for the Attorney General” that formally introduced and sought approval for the initiative proposes a “project to *cooperate* with tribes towards improved law enforcement services and quality of life in Indian Country” (LeClaire 1998, p. 1, italics added), and acknowledges that USDOJ’s policy was to “consult with Tribes on a government-to-government basis when instituting policies or programs that impact them” (*ibid.*, p. 3).

It is less clear that the USDOJ grant managers and technical assistance providers participating in CIRCLE consistently embraced this orientation. Unfortunately, any time federal CIRCLE partners failed to recognize tribal partners’ “national” orientation, a functional mismatch arose, with tribal partners thinking and acting as national representatives and federal partners treating them in a more conventional manner (as typical “grantees,” “programs,” or “local governments”), generally with detrimental results. Disjunctions between the options tribal partners believed they ought to have and the options the federal partners believed were available to them led to stymied negotiations, frustration on both sides, forced “compromise,” lower productivity, and may even have decreased the responsibility tribal personnel felt for program results.

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<sup>8</sup> There is, of course, tremendous pressure on under-resourced tribes to pursue new funding opportunities regardless of their long-term value in nation building. We propose, however, that there may be substantial and untapped near-term value in communicating to funders that piece-meal, categorical, and culturally inappropriate grant initiatives are of little use – and that one powerful way of communicating the fact would be for tribes to refuse to participate in such initiatives. Importantly, such actions have the benefit of keeping a tribe on track toward its own, self-determined goals and not on a helter-skelter search for temporary funding. This is the perspective from which the statement that tribes might “take action to accept federal support on their own terms” arises. Even if statutory guidelines severely restrict the uses of funds *after* a grant is received, tribes always have this negotiating room *prior* to funding: they can decline it.

The experience of the Oglala Sioux Tribe (OST) during the initial planning stages for CIRCLE is an example. OST interviewees reported that early in the process of program development, they outlined a CIRCLE strategy and wrote an application for CIRCLE funds that included substantial community involvement. However, when USDOJ representatives suggested that the proposal would not fit within the programmatic structure of the participating USDOJ units, Oglala Sioux moved away from the grassroots-based application and crafted a grant application for a group of programs that were apparently more “accepted/expected” within the federal program structure. While the Tribe’s approach to the CIRCLE funding process began with the notion of nation building (Where are our needs? What works best to accomplish such tasks in our community?), the limited federal funding options available reinforced dependency in strategy drafting, and the process ended with the acceptance of funds on federal terms.

Critically, the point is not that in future initiatives tribes’ requests must be honored. Rather, it is that the federal government *and tribes* must work harder to share the “tribes as nations” frame of reference. If tribes’ nationhood is a consistent focus in the work, federal and tribal representatives may find more fruitful ways to negotiate and compromise, and tribes may gain increased control of their futures by exercising greater choice over the type of funding they accept and programs they develop. An important consideration for tribes is that the nation-building perspective obligates them to think more strategically about the role grant opportunities play in the process of nation building. For tribes that recognize the importance of nation building, the question is difficult: does this initiative offer the opportunity to make a sound investment in more capable tribal institutions or does it commit us to yet another three-year cycle of short-term jobs and unrealistic expectations for improvements in social conditions? When tribal leaders and grant seekers have answered this question honestly, their priorities may necessarily shift; for example, a tribe may request the opportunity to think more fundamentally about strategies that move the tribe forward along the path of nation building, and might request not “program support” but a very different set of resources (such as technical assistance and support for thorough planning and assessment, a topic which we discuss in more detail under Opportunity 4). The payoff of such deliberate thinking and support – that is, of accepting, respecting, and promoting tribal nationhood – may be that it is the best formula for programmatic success, from both the federal and tribal perspective.<sup>9</sup>

### **The Missed Opportunity**

The first “opportunity for moving forward” discussed in this chapter underscored the importance of common, well-understood, deeply shared goals for resolving conflicts between funders and implementers. More broadly, such goals are valuable because they serve as organizing principles, ultimate objectives, and a means of keeping participants’ “eyes on the prize.” Our sense is that CIRCLE lacked this type of goal. Further, we believe that identifying “nation building” as CIRCLE’s overarching goal would have served the purpose – and that not identifying it as the explicit goal for CIRCLE was a missed opportunity.

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<sup>9</sup> This statement derives from arguments made by Cornell and Kalt (1992, 1998) that socioeconomically successful Indian nations are those that practice *de facto* sovereignty – they are in the driver’s seat for decision making and are free from the constraints and mindsets of dependence.

To the point, many with whom we spoke at the federal and tribal levels appeared to lack a genuine appreciation of the fact that the funds offered through CIRCLE provided *more* than the opportunity to decrease certain types of crime, enhance youth opportunities, introduce new technology, or expand particular programs. Even among those who understood that the work done through CIRCLE to improve justice systems and other governmental capacities (for example, adopting or improving an MIS or accounting system that benefits a broader range of service providers and/or administrative divisions) was part and parcel of nation building, the realization was obscured by other foci or sometimes came quite late in the implementation process; then, the benefits of thinking about nation building were either unrealized or less fully realized than they might have been. Two examples are:

- While community strengthening (a version of nation building) was an important aspect of the conception of CIRCLE – and is even noted in the program’s proper name, “Comprehensive Indian Resources for Community and Law Enforcement” – it was easy for this desired outcome to become lost in the details of the application process, the rules that governed the use of various Office Justice Programs or Office of Community Oriented Policing Services funds, and particular implementation issues.
- At Northern Cheyenne, it was not until the second year of CIRCLE funding that the steering committee and program managers began to admit that their goal was not merely to continue efforts made under programs such as the Risk Focused Prevention Project, the Indian Country Law Enforcement Initiative, and Weed and Seed, but to build a Northern Cheyenne Justice Department.

Certainly, as noted in the preceding bullet point, the various partners each had *goals* for CIRCLE. The tribes had goals linked to their CIRCLE strategies. The next chapter, which outlines the history of the CIRCLE Project at the federal level, lists three federal goals made explicit in the Office of Tribal Justice’s proposal memo for CIRCLE<sup>10</sup> and three more implicit goals that emerged from conversations with federal partners.<sup>11</sup> The problem we identify is that none of these goals were broadly shared, deeply understood, and primarily relied upon by federal and tribal partners. No theme served to concentrate the various partners’ thinking about CIRCLE or to organize their priorities for work. Particular “sub-goals” may have done this within each tribal community and within the federal partners’ working group, but no goal linked the groups in thought and action. By contrast, a focus on nation building would have provided this linkage and allowed the Project to reap the benefits of that single-mindedness.

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<sup>10</sup> To “accelerate and coordinate USDOJ programs and grants at CIRCLE demonstration sites to guide general implementation of the Indian Country Law Enforcement Initiative”; to “promote the inter-tribal exchange of ideas and experiences in law enforcement, community development, and federal-tribal relations”; and to “develop a comprehensive planning and development process for safe and healthy tribal communities” (LeClaire 1998, pp. 1-2).

<sup>11</sup> To address (or at least draw attention to) the baseline roadblock that tribes have in developing comprehensive programs, the serious gaps in their criminal justice systems; to highlight the need for additional and more consistent resources for tribal law enforcement projects (and to remedy the problem, at least for a little while, for the three participating tribes); and to foster true strategic planning and to increase the partnership between tribes and USDOJ.

This is a critical step for the U.S. Department of Justice, but considering the background of and organizing documents for CIRCLE, it is one that the Department ought to be relatively prepared to make. For example, we again note that in its conception of CIRCLE, USDOJ hoped that the initiative would contribute to the creation of stronger, more resourceful communities, ones capable of building and sustaining CIRCLE's institutional and system-change goals. If this idea had been made explicit as an organizing goal, it would have closely paralleled the concept of nation building – there is a strong consonance between community approaches to justice and nation-building goals (see Wakeling *et al.* 2001, especially chapter 6).

More tellingly, USDOJ's groundbreaking 1995 "Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes,"<sup>12</sup> provides guiding principles for its work with Native nations. These include recognition of "tribes as domestic dependent nations [that] retain sovereign powers, except as divested by the United States" ("Policy" 1995, p. 3); "respect for Indian tribes and their sovereign authority" (*ibid.*); a commitment to consult with Indian tribes "in decisions that relate to or affect [their] sovereignty, rights, resources or land" (*ibid.*, p. 4); a commitment "to strengthening and assisting Indian tribal governments in their development and to promoting Indian self-government" (*ibid.*); acknowledgment of the federal trust responsibility; and a commitment to protecting individual civil rights and tribes' religions and cultures. This is a long list, but there *is* a theme that connects the principles – the Department's stated commitment (within the law) to strengthening tribal governments and promoting self-government. Essentially, the Department already has a commitment to nation building.

The next step is for USDOJ to explicitly adopt the principle as *the* overarching goal for future programs that build on CIRCLE (and, indeed, for all its programmatic interactions with tribes). Setting nation building as the goal helps coordinate federal partners' actions by requiring them to pass their plans and activities through this filter: do the plans and activities of our organization support tribes in the process of constructing effective institutions of self governance that can provide a foundation for sustainable development, community health, and successful political action? It has a similar effect on tribal partners, by encouraging them to focus on this filter: does the strategy we propose for strengthening our justice system fit with our long-term efforts to become a stronger more resourceful community? Both parties are asking questions that push them toward the bigger picture even as they are implementing the nitty-gritty details of grants or programs. Instead of merely asking, "how do we provide/get money for a new youth program or for a corrections facility?" the partners are asking, "how do we make this a stronger institution and a stronger system? The shift is to thinking about the design of institutions in the context of nation building, rather than the design of institutions in the context of funding particular programs.<sup>13</sup> In sum, a nation-building goal imposes obligations on all the partners that bind them to a more fundamental purpose in their work. The opportunity to do this should not be missed in USDOJ's next iteration of a comprehensive justice program for Indian country.

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<sup>12</sup> This document can be viewed at <[www.usdoj.gov/otj/sovtrb.htm](http://www.usdoj.gov/otj/sovtrb.htm)>.

<sup>13</sup> This point also has been made with respect to the appropriate design of tribal human service and social welfare systems (Brown, Hicks, and Jorgensen 2002).

### **III. Opportunity 3: Take Context and Culture Seriously – Generate More Tailored Tribal Strategies**

According to the logic of the foregoing section, the three tribes participating in CIRCLE ought to be viewed as different developing nations; as such, they had very different social development needs and different starting points for the work CIRCLE hoped to accomplish. The individual tribes' process analyses document the truth in this statement: the CIRCLE tribes display great variation in terms of culture, demographics, political systems and stability, criminal justice system structure and organization (for example, P.L. 93-638 status, degree of judicial independence, and jurisdictional authority), available social services, proximity to urban areas, etc. Of course, USDOJ recognized these differences at the outset – the tribes' differences drove USDOJ's decision to include them in the CIRCLE demonstration (LeClaire 1998, pp. 4-5).

What is less clear is whether the CIRCLE partners at both the federal and tribal levels reacted seriously enough to the implications of these contextual differences. This section makes the point first by highlighting the connections between contextual variation, assessment, planning, and strategy and then by considering the specific impact of cultural differences on tribal strategies.

#### **The Role of Planning and Assessment in Generating Strategic Approaches to System Change and Nation Building**

Research shows that context plays a powerful role in determining the character and degree of system change (see, for example, Annie E. Casey Foundation 1995, especially pp. 4-6). This fact suggests that change agents who ignore context do so to their detriment and, further, that contextual assessment is a critical component of system change initiatives. Done well, assessment honestly portrays the circumstances in which the change initiative will unfold, revealing the challenges and resources present within the community. In other words, assessment is itself a tool in system change that identifies gaps, leverage points, and additional tools (in particular, possible partners and existing financial, human, social, and other community capital). Assessment of this sort is critical to the success of comprehensive community initiatives (*ibid.*).

Stated in those terms, the tight linkage between assessment and strategy is not surprising. By clarifying and highlighting contextual constraints and opportunities, good assessment results in good strategy, or in *practical* expectations of how and how much change will be achieved. Several literatures document the fact that comprehensive community change strategies work best when they are tailored to their specific contexts, including the political science and economics literature on reform and change in the public sector,<sup>14</sup> the planning and evaluation literature on comprehensive community initiatives,<sup>15</sup> and the community policing literature.<sup>16</sup> A major finding/observation in all of these sources is the need for flexibility across sites. In other words, it is appropriate and probably necessary for strategies to vary across sites. Indeed, such flexibility and variability may be critical in reaching goals (see especially, The Pew Partnership 1998).

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<sup>14</sup> Grindle (1997) is a seminal example.

<sup>15</sup> This literature is frequently addressed specifically to funders and only sometimes to a more general audience, but it is nonetheless helpful in designing comprehensive community change initiatives. See, for example, Hahn (1998), The Annie E. Casey Foundation (1995), The Rockefeller Foundation (1997), and The Pew Partnership (1998).

<sup>16</sup> See Moore and Poethig (1999), especially p. 141, and Wakeling *et al.* (2001), especially the concluding chapter.

These connections between context, assessment, and strategy were not evident in the initiation and development of CIRCLE. Indeed, early promoters assured the Associate Attorney General that because CIRCLE “involves the acceleration of existing program and grants... performing a preliminary needs/priorities assessment is unnecessary” (Fisher 1998, p. 1).<sup>17</sup> Thus, upon approval, CIRCLE moved straight to a strategizing phase – strategy was the focus of the first CIRCLE meeting in Rapid City, South Dakota. Not all of the participating tribes were comfortable stepping over assessment in the CIRCLE development process. The Pueblo of Zuni certainly was not, as shown in the site’s process analysis. In interviews, the Zuni Coordinator also explained the importance of ongoing assessment, and that certain aspects of their assessments would not be complete until after program development. The Northern Cheyenne partners may have felt that their earlier experience with other comprehensive programs (Risk Focused, the Indian Country Justice Initiative, and Weed and Seed) mitigated the need for early assessment (although they did hire the Crossroads Leadership Institute for strategic planning facilitation). A back-of-the-envelope assessment may have been one of several forces leading to the Oglala Sioux Tribe’s initial CIRCLE proposal, but it was certainly not a structured and deliberate process; indeed, the OST CIRCLE Coordinator has identified program-level assessment and planning skills as important to that site’s ongoing progress.

Even if assessment had been a formal part of the early stages of the initiative, however, it is not clear what its usefulness would have been for a program whose funding horizon was only three years long. Research and experience with similar community initiatives recommend a structured and intensive period of assessment and planning. The new Annie E. Casey Foundation *Making Connections* community change initiative will provide funding for a 10-year period, of which *the first several years* combine planning and assessment of planning.<sup>18</sup> The Northwest Area Foundation’s *Community Ventures* program reflects the same orientation.<sup>19</sup> Some observers have argued that the political reality of changing administrations prohibits similar efforts; in answer, it should be noted that several federal initiatives (including the Weed and Seed and Local Law Enforcement Block Grant programs) have lasted through multiple administrations.

All three CIRCLE tribes began Project implementation before the process of assessment was complete; all three site coordinators said they would have preferred USDOJ-supported opportunities to conduct such work; and all three are trying to gain, with the limited tools they have (even the evaluation), some sense of “where they are” and would welcome the opportunity to do more.

### **Culture, Institutional Design, and System Change in Indian Country**

The discussion above outlines the tight connection between assessment, planning, and strategy and notes that because contexts differ, strategies ought to differ. This subsection focuses on a particular aspect of that same point – the partner tribes’ highly distinct cultures increase the

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<sup>17</sup> Despite this statement, some USDOJ Office of Justice Programs (OJP, the agency that administered CIRCLE) staff reported that during Project implementation, they nonetheless made requests for assessment, strategic planning, and coordinator training around these issues – and that most such requests were denied. One notable exception is the technology assessments that OJP was able to provide in years 2 and 3 of the CIRCLE Project.

<sup>18</sup> For more information on *Making Connections*, see the Annie E. Casey Foundation website, <[www.aecf.org](http://www.aecf.org)>.

<sup>19</sup> For more information on *Community Ventures*, see the Northwest Area Foundation website, <[www.nwaf.org](http://www.nwaf.org)>.

probability that very different strategies will be needed within each community in order to generate substantive justice system change.

Significantly, there is growing evidence on the connection between culture, institutional and strategic design, and organizational or programmatic success. One body of evidence concerns the success of governing institutions in Indian country: in a series of related articles, Cornell and Kalt (1992, 1993, 1995, 1997, 1998, 2000) argue that the better performing tribal governments are in the development “driver’s seat” (exercise *de facto* sovereignty) and possess constitutional-level institutions that pass the twin tests of cultural legitimacy and capability. In other words, effective tribal government institutions distribute power and authority in a way that makes sense to their citizens (where “what makes sense” is based on the tribe’s living culture) and are capable of getting things done in the contemporary world. Using a rigorous research methodology and carefully chosen tribal comparisons, Cornell and Kalt show that certain tribes with identical constitutional-level governing institutions have experienced radically different socioeconomic outcomes, while other tribes with quite different institutions have realized comparable levels of success. Other things equal, the variable that explains these divergent outcomes is “cultural match”: if a nation’s institutional rules and processes are culturally legitimate (that is, if they match underlying expectations of the way authority and power should be distributed and exercised), they underwrite socioeconomic progress; if not, progress is difficult.

This research on constitutional-level institutions is complemented by emerging evidence that culturally appropriate strategies increase the success of a wide variety programs and processes. For instance, culturally appropriate strategies appear key to the progress some Native nations are making against hard problems such as community infrastructure development (Jorgensen 2000), healing for victims of sexual abuse (Harvard Project on American Indian Economic Development 2001, pp. 8-9), and diabetes (Pember 2002). Criminal justice programs and institutions with cultural match also may generate improved outcomes (Wakeling *et al.* 2001); for example, they may reduce recidivism.

Especially when combined with strong signals from the tribes, the research indicates that success is more likely if strategies vary appropriately with tribal settings. Nonetheless, across all sites, the “cultural” aspects of the CIRCLE strategies have either been dropped or de-emphasized.<sup>20</sup>

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<sup>20</sup> While not a changed strategy, the first cluster meeting provides an early example of the way in which culture was de-emphasized. One of USDOJ’s CIRCLE goals was to generate increased sharing between tribes about the problem-solving approaches they were implementing (LeClaire 1998, p.1). The Northern Cheyenne team took this goal seriously and relied on the philosophies of Cheyenne culture to design an agenda for the first cluster meeting; they especially felt that this would be a meaningful way of facilitating inter-tribal knowledge exchange. But these plans did not fit USDOJ funding guidelines, which led to a substantial re-working of the agenda. In the end, the tribal partners’ sense was that their cultural orientation had been shifted from center stage to a second stage; while certain “cultural elements” remained, they felt that the overall structure of the meeting had been determined by USDOJ. This experience may have contributed to reports we received throughout the evaluation period, from both tribal and federal partners, that the cluster conferences were not as valuable as they could have been. (*Nb*: Evaluators heard conflicting stories about the planning phase for this cluster conference; the most common version of events is reported here. See also footnote 47).

Such conflicts or misunderstandings may be inevitable given the differences in perspective between participating tribal and federal representatives, but they can be more effectively addressed when both groups of stakeholders

- As mentioned above, Oglala Sioux initially proposed a strategy that relied more on community-based organizations for monitoring and implementation than it did on the central tribal government. Yet, USDOJ representatives discouraged this approach for CIRCLE, and the tribal players consented to USDOJ’s vision of an appropriate strategy. The decision is particularly discordant at OST because of the expectations the initiative’s acronym and actual name raise. In the Lakota cultural context, the word “circle” and the mention of “community” in the program’s title signal the appropriateness of wide popular engagement.<sup>21</sup>
- At Northern Cheyenne, tribal implementers have been more eager to disengage from strict cultural elements. On the one hand, carry-over involvement with the Indian Country Justice Initiative and Weed and Seed, in which tribal partners were used to working in a particular way with the U.S. Department of Justice, may have caused the tribal implementers to choose a fairly “Western-looking” strategy. On the other hand, some tribal interviewees, as well as the ICJI evaluation (Lujan, Riding In, and Tsosie 1998), questioned how much the system could change without engaging those community members who saw themselves as having a “traditional role” in justice and law enforcement.<sup>22</sup>
- At Zuni, a community chosen to participate in CIRCLE precisely because of its deeply rooted non-Western culture, site informants told us that they have plans to incorporate strictly cultural elements into their programs, processes, and institutional design but that they have found it difficult to do so within the constraints imposed by federal funding streams. The Zuni CIRCLE Project may succeed in incorporating aspects of culture, but it is likely that this could have been done more effectively had the initiative supported the changes directly.

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participate in “authoring” the design of the initiative from the outset, with the goal being to achieve a clear, mutual understanding of the obligations and prerogatives of participants. In addition, the growing literature on “group process” provides a number of useful tools for tracking and acting on the conflicts that differences in perspective generate in such initiatives. Relevant and useful ideas include using well-qualified, neutral facilitators and employing structured debriefs after meetings in order to identify where things went right, where they went wrong, and how to address issues more productively in future meetings.

<sup>21</sup> Early documents propose an initiative called the “Consortium of Indian Reservations Cooperating in Law Enforcement” (LeClaire 1998, Fisher 1998), which was later switched to “Comprehensive Indian Resources for Community and Law Enforcement.” A different title might have moderated tribal perceptions of USDOJ’s programmatic capabilities.

<sup>22</sup> This “inclusive” perspective gains support in other research that addresses institutional change in Indian Country – in particular, in emerging analyses of effective processes of constitutional change. These analyses suggest that involving as broad a group of participants and supporters as possible (which automatically draws in more traditional tribal citizens) helps ensure the acceptability and sustainability of change (see, for example, Lemont 2002 and Lemont forthcoming). Yet we also want to underscore the fact that these are difficult and delicate issues at Northern Cheyenne, especially because of the recent rise of a new group of political, economic, and social leaders in the community (Jamison, retrieved September 24, 2002), which might signal that the community is experiencing significant cultural change. Those changes eventually might mean that involving certain groups in the justice system change process is unnecessary. And there is research to support this possibility as well: Menashi (1997) finds that forward progress on certain types of change initiatives might be possible only when certain groups are excluded.

These examples suggest that the CIRCLE sites implemented essentially the same strategy (regardless of how the tribes described them). Baldly stated, that strategy was to use grant support from a particular set of U.S. Department of Justice agencies and bureaus to create or expand tribal programs that had acceptable ties to the funding sources.

The strategy appears to be coming together at the Pueblo of Zuni, where there are early signs of successful implementation. Of course, this is a site where there is already an institutionalized criminal justice infrastructure, where that infrastructure is embedded in an overall governmental system that is legitimate and stable, and where on-the-ground implementers are skilled at working within that system. Ostensibly, CIRCLE's fairly Western community policing and community justice model has a degree of "cultural fit" at Zuni. Yet at this midpoint of evaluation, questions remain. In particular, given Zuni citizens' deeply rooted traditional culture, will these new and enhanced justice institutions have legitimacy to the people who pass through them?

The strategy also may have a degree of fit with Northern Cheyenne, where implementers largely have used CIRCLE to build on past community justice initiatives. Furthermore, there is a chance that the Northern Cheyenne Project will be able to push beyond the generic strategy's confines, if the Steering Committee and implementers truly rely on the organizing concept of creating a "Northern Cheyenne Department of Justice."

By contrast, the CIRCLE strategy fits poorly with the Oglala Sioux nation. The problem is clarified by the theory of how change occurs at OST, which proposes that change occurs less through central tribal government action than it does through the action of lower level, more community-based institutions.<sup>23</sup> This theory is supported both by academic research (Cornell and Kalt 1995, among others) and by on-the-ground experience. For example, the Oglala Oyate Iwicakiyapi Okolakiciye (OOIO, the Society to Strengthen/Defend the People and Families) has been working on behalf of children and families using a grassroots, culturally based organizational structure and approach to programming, and appears to be one of the most successful system change and service programs in the community.<sup>24</sup> It is also interesting to note that today, it is those component programs of the OST CIRCLE Project that are least tied to the central tribal government – the Boys and Girls Club, Cangleska, and CASA<sup>25</sup> – that are marking some of the clearest progress milestones (see Oglala Sioux chapter of this report). While we remain agnostic about the future role that such non-governmental organizations ought to have in

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<sup>23</sup> Indeed, one of the first signals of change that Oglala CIRCLE team members proposed was *not* that the tribal government had established Program X or that data point Y had changed but, rather, that the community had an increased ability to hold the government (and the justice system in particular) accountable.

<sup>24</sup> OOIO's primary function is to promote wrap-around services for children and families who come into contact with the Oglala Sioux social services system. Their goal has necessitated code development, program development, program coordination, and service improvement. OOIO undertakes these tasks primarily through the formation of topic-specific workgroups with broad (but informed) membership. OOIO's longevity, accomplishments, stable leadership, and ability to attract talented lay and professional workgroup staff attest to its success and capability in promoting and sustaining system change.

<sup>25</sup> Not all of these organizations would describe themselves as "community-based" where that term is interpreted as reflecting the views of many individuals at the grassroots; however, each is firmly grounded in its service community (for Cangleska, the "community" includes all victims of domestic abuse, for the Boys and Girls Club, the "community" includes all tribal youth).

the governance of the Oglala Sioux Tribe, it is nonetheless clear at present that their greater success signals the failing of a generic “work through the tribal government system” strategy.

In sum, our sense is that the CIRCLE initiative would have benefited greatly from the adoption of strategies that were more tailored to the participant communities’ cultures. There is greater promise of success in this approach, and less probability of repeating and reinforcing past failures. On the other hand, we acknowledge that this it is not an easy course to follow; federal players may find it difficult to work within their institutional and legislative constraints to help tribes craft such appropriate strategies, and tribes may lean toward the path of least resistance, which is to return to the procedures and policies of the past, despite the probable success of new approaches. However, federal agencies have well-developed roadmaps for instituting funding streams that provide greater flexibility to localities, including tribes. We again cite not only Local Law Enforcement Block Grants and Byrne discretionary grants, which afford cities and counties substantial discretion in how they are invested, but also the self-governance amendments to Public Law 93-638, which provide substantial discretion to tribes in how they are invested. As emphasized under Opportunity 1, our point is not that the right funding mechanisms exist at this time, but that there is precedent for them in current government practice. With appropriate legislative changes, the development of corresponding support functions within USDOJ, and knowledge about these opportunities in Indian country, similar programs could promote the more effective use of USDOJ resources for tribal justice system enhancement.

### **Concluding Comments on Context and Strategy**

Moving forward in the initiation and development of similar cooperative projects between the tribes and USDOJ, we encourage the federal partners to fund, and the tribal partners to conduct, a data based needs and capacities assessment and to rely on that assessment in planning and strategizing. When strategies emerge from these assessments – about where the gaps are and what community resources exist that might enhance the effectiveness of new or expanded initiatives – the federal partners must take seriously the differences between tribes and between tribal and federal conceptions of appropriate activities to fund.

One way to do this is for all the partners to do their best to step outside perceived boundaries (hypothetically, “I’m just a VAWA person, which means there is a relatively narrow set of activities for which I grant and administer funds,” or, “I’m a tribal program director with a lot of experience, and I don’t want to have to collaborate with other programs”) to find the “play” or negotiating room in their positions that would allow them to together create the best projects possible. Of course, the process requires both parties to understand the other’s situation and goals very well. In order to find this negotiating room, agency personnel should proactively share copies of their legislative mandates with tribal partners, tribal partners should work to explain their very specific needs and any concerns they have with the funding parameters, and both parties should work together toward a common understanding of the overall effort’s goals.

Another way is to acknowledge and act on the fact that planning and assessment are not simply data-driven, but require the collection of many kinds of information. The primary criterion for tribes is: what do we need to know about our community as we develop a strategic plan for moving toward the goals of this initiative? Qualitative information about the political climate, the contemporary interplay of culture and social behavior, and the state of relations between key criminal justice agencies are just a few important elements of a comprehensive scan. This

process sets the stage for asking hard questions of the full range of partners in the initiative: who can really do what, how quickly, and subject to what pressures? A stronger sense of the political challenges tribes face and how they intend to address those challenges might have a variety of results for tribes and funders, all of which support the more effective use of funds. The funders might work with a range of technical assistance providers to craft a sound political strategy, they might provide training and support for those local actors entrusted with implementing that strategy, or they might in an extreme case rethink their investment in the site. Many private foundations fund multiple sites in the early stages of similar initiatives, but limit ongoing investment to only those sites that show strong evidence of commitment and having crafted a strategic plan that promises significant progress toward the goals of the initiative.

Still another option that might help federal and tribal partners escape the tendency toward one-size-fits-all policy (and the constraints of strict federal guidelines on program funds) is the creation of additional, separate funding streams to support assessment and, later, discretionary aspects of program implementation. With regard to the latter, the examples of Zuni and Oglala Sioux suggest that the sites would have benefited from discretionary funds (however small) to accompany the other resource streams that comprised CIRCLE. The money could have underwritten consciously cultural components, such as staff training in the context of culture at Zuni or grassroots oversight as was desired at OST. Additionally, such funds tend to incentivize creativity, so that even those personnel who tend toward “safe” and “known” methods are tempted to innovate and search for the strategies that work best in their community.

A note on the idea of additional funding streams is that USDOJ might not have to bear this cost alone. Early in the plans for CIRCLE, there was discussion of working with other departments and agencies of the federal government to gain support for the CIRCLE Project (see, for example, LeClaire 1998). Likewise, during implementation, the Zuni partners pushed for the initiative to include an even broader circle of federal players (they specifically suggested the Bureau of Indian Affairs and Indian Health Service, but there are many other possible federal partners). These ideas were not pursued to the extent that they led to the commitment of funds, and they remain an important opportunity for future projects.<sup>26</sup> Additionally, the tribal and federal partners could have looked beyond their own coffers to community or private foundations or even to state government grant programs.<sup>27</sup>

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<sup>26</sup> Realistically, it may not be possible to pursue this opportunity to its fullest extent without additional legislation in support of inter-departmental collaboration. Fortunately, there is a precedent for such legislation. Public Law 102-477, *the Indian Employment, Training and Related Services Demonstration Act of 1992*, gives tribal governments the opportunity to integrate the employment, training, and related services (such as child care) they operate, even if these services are funded by different federal agencies. Integration allows tribes to operate the programs under a single plan, single budget, and single reporting system and, theoretically, promotes a focus on tribal (and client) needs rather than distant federal agencies’ priorities. The federal departments whose programs may be integrated under P.L. 102-447 are the Department of Education, Department of Health and Human Services, Department of the Interior, and Department of Labor. For more on P.L. 102-477 see <[wdsc.doleta.gov/dinap/html/477gln.html](http://wdsc.doleta.gov/dinap/html/477gln.html)>.

<sup>27</sup> During the period 1988-1999, the 10 private foundations contributing the most to Native American causes and concerns were the W.K. Kellogg Foundation, the Ford Foundation, the Lilly Endowment, the Robert Wood Johnson Foundation, the Bush Foundation, the Educational Foundation of America, the John D. and Catherine T. MacArthur Foundation, the Northwest Area Foundation, the McKnight Foundation, and the David and Lucille Puckered

#### **IV. Opportunity 4: Introduce a Focus on Sustainability from the Start**

For the purposes of this evaluation, we think it is useful to define sustainability in two ways. First, those changes in institutional and system design and operation that are most able to weather fiscal, political, and other challenges over an extended period of time may be defined as “sustainable.” Sustainable change may arise from investments in infrastructure, training, and technology, but more precise identification of the contributing factors also necessitates, as we suggest under Opportunity 3, careful consideration of the local context. Guiding questions must be: given this particular cultural, social, and political setting, do investments in (for example) institutional re-design, government structures, staff development, or technology make sense as a means of promoting project sustainability? What makes programs live on in this nation? Second, sustainability is related to the specific investments that maximize local actors’ effectiveness both during *and after* the period for which the initiative is funded. The tribal CIRCLE partners are managing change within and across sectors in complicated political, cultural, and social settings, with limited resources. What kinds of support and professional development opportunities will optimize their performance over time?

##### **Sustainability and Context**

At the final CIRCLE Project cluster conference, the answers federal partners suggested to the question of “What makes a program sustainable?” included technology (such as management information systems), infrastructure (such as jails and police equipment), the ability to win competitive grants, and tribal government funding. These answers are not without merit. For example, installed technology and built infrastructure (provided they are not unreasonably expensive to operate and maintain and do not quickly become obsolete) support project sustainability because the technology or physical infrastructure itself lives on. Competitive grant funding is a better alternative than no funding. And ultimately, it does behoove tribes to find the means to support core governmental institutions (which CIRCLE worked to strengthen).

However, these answers also have tended to be risky in Indian country, most especially when the local context has not been a factor in strategy planning and design. Take, for instance, automated case management and reporting systems, which could play a key role in sustainability. In Indian country, underreporting of crime has been a long-term problem, and it occurs on multiple levels – between community members and police departments and between local departments and federal agencies. At the second level, several problems relevant to this discussion contribute to underreporting, including staff shortages, limited data-collection capacities, competing federal and local priorities, and problems with department administration and management (Wakeling *et al.* 2001). In a prior study, members of the current research team report tribal managers pointing out boxes of high-end computers and explaining that they welcomed sophisticated computer hardware but that their staff was not trained to use it. They also reported that many of these local managers consider reporting crime statistics a burdensome obligation with little apparent payoff. This suggests a series of questions regarding local context that serve as criteria for determining whether an investment in technology represents an investment in sustainability:

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Foundation; they gave an inflation-adjusted total of \$246.6 million (1999 dollars) to Native American causes and concerns (Brimley and Jorgensen 2001).

- What important information can this system provide local actors that will help them better deploy their limited resources?
- What kind of investment in staff training will be necessary to ensure that the system is used as designed?
- Does the system make critical information about program performance and community-level outcomes available to managers and system stakeholders on an ongoing basis?
- Is the information the system provides valuable to local stakeholders?

The point is that sustainability is a link in the chain that already includes planning, assessment, and the importance of the local context. In addition to determining community needs and resources, assessment must determine what makes programs live on in the participant nations. The CIRCLE sites provide several examples of how local culture, political conditions, and prevailing attitudes – that is, contextual variables – may link to sustainability:<sup>28</sup>

- *Oglala Sioux Tribe.* As noted throughout this report, projects tend to live longer at OST when their managers receive, react to, and feel bound by “community” input and involvement.<sup>29</sup> The CIRCLE Coordinator from Oglala Sioux underscored this fact by bringing two community members with long-time interests in justice issues to the final cluster conference. A second factor in sustainability at OST is “distance” from the central tribal government, which many citizens feel is an illegitimate government. Since USDOJ funds CIRCLE through this government, this distance is lacking, and staff hired as a result of CIRCLE (and sometimes even those simply cooperating with CIRCLE, but who have other sources of funding) must fight against the perception that they are working for the tribal government only to receive a paycheck, as opposed to working for positive system change.<sup>30</sup>
- *Northern Cheyenne Tribe.* The CIRCLE Project steering committee included a set of institutional actors, and in many instances a set of individuals, that had worked together on previous similar projects; their ongoing involvement helped keep the

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<sup>28</sup> Further information about what might promote sustainability at each of the sites should emerge from Phase II of the CIRCLE Project evaluation, which focuses on outcomes.

<sup>29</sup> As suggested in an earlier footnote, including “community” essentially means including grassroots voices. Depending on the project, the specific community voice may vary: for Cangleska, the supporting community is their pool of current, former, and even prospective clients and those clients’ moral supporters; for Oyate Iwicakiyapi Okolakiciye (OOIO, or the Society to Strengthen/Defend the People and Families) “community” includes representatives of the lay population with interests in and commitments to children’s and family issues. Whatever the precise definition of “community,” the notion is that programs survive when there is significant horizontal input from non-governmental actors.

<sup>30</sup> An important side question emerges from this example: what does an appropriate “government-to-government relationship” look like in this setting? Can the federal government find a more legitimate institution within the nation to establish a relationship with for work such as CIRCLE?

focus on improving the opportunities for and treatment of youth in the community and continuing the change process.<sup>31</sup> An additional opportunity for CIRCLE sustainability that has not been exploited is the effort tribal officials are making to give credence to recent constitutional and statutory changes in support of a separation of powers between the executive, legislative, and judicial branches of government; tribal officials are particularly focused on the promotion of judicial independence. This justice issue, *not* CIRCLE, has been on the minds of many key governmental actors during the period of Project implementation. Recognizing this “distraction” and finding a way to link CIRCLE to it (perhaps by actively defining both efforts as “strengthening the Northern Cheyenne justice system” or as “judicial nation building”) from the outset may have increased the Project’s sustainability potential.

- *Pueblo of Zuni*. At the time CIRCLE was proposed, there was a strong sense of frustration among actors in the criminal justice system that they did not adequately share information about offenders. There was also recognition that this was not simply a problem of arrest and prosecution, but of service delivery; offenders, their immediate and extended families, and their victims were not being adequately served by the justice and social services systems because of inadequate information sharing. To the extent that CIRCLE has been able to relieve this frustration through the development of Full Court (the Pueblo’s automated case management system), it has helped ensure its longevity – the advantages CIRCLE partners receive from Full Court help keep them committed to CIRCLE’s processes (greater collaboration) and goals (better service and, eventually, crime and violence prevention).

In sum, generic means of promoting sustainability include, among other things, supportive political institutions, the formalization of administrative structures, information technology, human capital, community knowledge and support, connections to other funding sources (within the tribe, foundation community, or other federal agencies), and the support of particular individuals within the nations – but the specific ingredients vary from site to site. When conducting initial assessments and making determinations about the contextual sources of sustainability, keeping a general list like this in mind helps get to the answers faster.

### **Define and Plan for Sustainability from the Outset**

The critical opportunity to address this collection of issues arises early in the design of an initiative – during the period devoted to planning and assessment and before major investments are made in institutional design, governance structures, training programs, and management information systems. Yet the focus of the *final* CIRCLE cluster conference was sustainability. On the one hand, this concentration was inevitable, as the known three-year federal funding

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<sup>31</sup> It should be noted that a stable team of individuals, rather than a stable team of institutions (as at Northern Cheyenne) is more likely to have certain negative aspects – for example, a stable team of individuals may carry “baggage” from previous interactions that makes it difficult to continue to work fruitfully together or be committed to some standard operating procedures that stand in the way of innovation, whereas new team members may inject a new sense of purpose and have more energy.

commitment to the CIRCLE program was coming to an end. On the other hand, the focus was out of place, as it came too late in the initiative's planning and implementation process. Certainly, we were not privy to all conversations between CIRCLE site coordinators, federal partners, and tribal partners, so we cannot know how often they discussed sustainability at earlier points. But our site research and discussions with federal officials nonetheless suggest that until the January 2002 cluster meeting, sustainability – and, more importantly, the contextual factors that determine sustainability – was on few players' radar screens.

Instead, the federal and tribal partners should have been asking themselves questions such as these from the start: what specific lessons about change and sustainability have we learned from previous efforts in Indian country?<sup>32</sup> In the three years for which we have resources, what can be accomplished at each site that will keep this process going? If this is really going to take 10 (or 20) years, what meaningful steps can we take in the first three years to get the process going? What other partners can we look to in order to support the process (with money, technical assistance, leadership training, institutional design help, etc.) beyond the three-year period?

As these questions imply, addressing sustainability from the outset also implies being realistic about time horizons. Because there may be more basic work to do in Indian communities (including the need to address the intertwined tasks of nation and institution building) and because the problems may be harder or more complicated or more entrenched (because of the history of dependency and the long-standing negative effects of assimilation policies), change of the sort sought by CIRCLE takes a long time. The Pueblo of Zuni, where substantial progress on each facet of implementation goals has been made, provides an instructive example. The tribal partners' response to the question of "how can you generate change?" is, "With time – it takes a long time." For instance, Zuni representatives have been concerned that the federal partners' near-term expectations for reduced offending might be unrealistic. They feel that reduced offending is significantly dependent on the Pueblo's ability to hold offenders' accountable and to provide appropriate correctional services, and to a very real degree, this will not be possible until 2005, when the Pueblo's new correctional facility will be completed. In other words, even in a setting where the players do not experience some of the same difficulties as are present at the other sites (the Zuni project benefits from positive tribal-federal relations, a stable tribal government, significant technological capability, engaged tribal staff, interested community members, few or no other "big issues" in tribal justice to divert attention from the goals of CIRCLE, etc.), the sense is that change is *inevitably* a long road.

The issue of time and system change is certainly not confined to the federal-tribal context. As noted, grantmakers from private foundations are increasingly recognizing that the standard three-year funding cycle is not tied in any logical way to the reality of institutional and system change – inside Indian country or without. Nor is the lengthening time span for system change merely a private foundation phenomenon. Acknowledging the challenges in system change and the importance of not abandoning promising efforts before they can take root, the California State

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<sup>32</sup> We have noted a number of foregoing federal efforts. There also have been foundation efforts; for example, the Annie E. Casey Foundation has invested in "New Futures" at Fort Peck and in an initiative at OST. These efforts should be taken into account in this information sweep as well.

Department of Health and Human Services recently gave seven pilot counties seven years during which to undertake social service system change (Gardner 2000).

### **Strengthen Local Capacity Through More and Better Technical Assistance**

One of the federal commitments to CIRCLE was that the federal partners would facilitate greater access for the tribes to technical assistance (TA) from the U.S. Department of Justice. This is a laudable policy – it recognizes the importance of technical assistance and provides a means for increasing participating tribes’ access to it. Yet it pays to be clear exactly what TA is important for. Our short answer, and the reason we address the issue at this point, is that high quality TA promotes both types of project sustainability, and thereby increases the odds that a project will result in system change. At the very least, TA leaves behind human capital, data, or procedural tools; even if a program or initiative withers after the withdrawal of external funding, these are bases on which an individual or community can later build. At best, TA promotes the creation of sufficient capacity for the initiative to carry on and meet its goals.

Across the sites, CIRCLE program directors and staff who received on-site, program-specific technical assistance told us how much they learned from and enjoyed the trainings and other TA opportunities provided through CIRCLE.<sup>33</sup> Unfortunately, they also reported that there was too little TA, that the time gap between the request for and provision of TA was too large,<sup>34</sup> and that the TA needed was not always available through USDOJ programs (a related complaint was that some available TA was too generic and therefore inapplicable to specific tribal situations). None of these points are surprising, and they largely arise from the fact that CIRCLE did not include a separate funding stream for technical assistance. Instead, federal program partners were asked to help identify technical assistance from within the Department for which the tribal CIRCLE programs were eligible.<sup>35</sup> Moving forward, this implies a need for more and better TA.<sup>36</sup>

Intriguingly, providing better TA may provide the means for offering more TA. The key is recognizing the TA-increasing implications of two facts: 1) that good technical assistance can

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<sup>33</sup> In fact, the only negative feedback we received on the substance of USDOJ-provided technical assistance concerned the strategic planning assistance provided at the initial CIRCLE meeting in Rapid City. Tribal representatives felt that the assistance was too general and did not meet them where they were; this is not surprising, given the identified need for *tribe-specific* assessment and strategic planning. If there had been three trainers, each working with partners from a single site, the feedback might have been quite different. Additionally, we note that our understanding of “technical assistance” does not extend to presentations at the cluster meetings; while many prospective technical assistance providers attended these meetings, giving a talk differs substantially from working side-by-side with program directors and staff on their particular planning, implementation, training, and technology concerns.

<sup>34</sup> In several cases, nearly a year elapsed between the request for TA and its delivery.

<sup>35</sup> It should be noted that this administrative arrangement also increased the difficulty of the federal partners’ jobs.

<sup>36</sup> We can provide only a general list of the areas in which more and better TA would have been valuable to the tribal partners (see the paragraph later in this section that begins, “Shifting the funding focus...”). Thus, we recommend some exercises for identifying where TA can be useful. First, we recommend a review of the “lessons learned” from similar comprehensive justice system initiatives in Indian Country. Second, we recommend a similar review for comprehensive community initiatives generally. Finally, we believe that regular and frequent polling of participants (via debriefs, agenda items at meetings on “improvables,” and other survey methods) will suggest potential TA topics. Providing highly competent, neutral facilitators for meetings at the site and cross-site level ensures that this information is collected in a way that minimizes conflict and draws out participants’ best thinking.

reduce or even replace the need to monitor compliance; and 2) that programs, meetings, and other already-funded events offer opportunities for peer TA. These points are covered in turn.

Many non-federal government funders (especially foundation actors) have made, or are making, a gradual shift away from intensive monitoring and toward intensive, well-rounded technical assistance.<sup>37</sup> There are several reasons for this shift. One is that good TA – TA that is targeted at specific site needs and addresses problems in a way that is useful to implementers – provides essentially the same information as monitoring. In other words, if grantmakers are actively involved in the TA process, TA becomes a “twofer” and makes for a better use of funds.<sup>38</sup> A second reason for the shift is that it corresponds better with the idea of “partnership.” Joint involvement in TA would create situations in which the federal government and tribes truly partnered in problem solving, where by contrast, monitoring visits leave the impression that federal actors are interested only in overseeing tribal efforts. Indeed, tribal CIRCLE partners expressed a desire for more benefit for them to emerge from such visits; this would be possible if the federal government players shifted to a more actively advisory role.

Shifting the funding focus away from monitoring creates budgetary maneuvering room for the purchase of more TA. Critically, this should include training and assistance in addition to USDOJ’s offerings. Reports from the tribal partners and our own observations suggest that the CIRCLE coordinators, steering committees, partner program directors, and/or partner program staff may have benefited from technical assistance on a wide variety of topics, although many of these extend beyond USDOJ’s traditional areas of expertise. For example, USDOJ fruitfully provided training in community policing and to court-appointed special advocates and technology assessment TA, but tribal-level implementers’ needs extended to TA on evaluation, nation building and institution building (including issues of cultural match), strategic planning, political communication and strategy, leadership development, incorporating community in decision making, and financial management and budgeting, among others.

A second option for increasing the quantity and range of TA offerings is to use already-scheduled meetings and events as TA opportunities. On the one hand, USDOJ already recognizes this point; it brought representatives to the cluster meetings who were able to explain TA options within the Department and how to access to them. On the other hand, these representatives did not offer training itself at the meetings, nor did USDOJ take advantage of tribal skills and resources brought together by the cluster meetings. The latter point deserves emphasis: most of the tribal participants had skills, knowledge, and information that would have been valuable to share with the others (either all of the others, or in a direct peer-to-peer way). For example, the OST Coordinator has a background in community organization and could have capably taught a short course for the other coordinators and program staff. The observation about tribal talent is reinforced by the feedback we received from tribal partners about the cluster meetings – their primary concern was that they did not get to use these meetings to learn from one another.

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<sup>37</sup> For example, the Annie E. Casey Foundation’s “Technical Assistance Resource Center” is a major investment intended to complement its “Making Connections” initiative (a neighborhood transformation and family development project). See <[www.aecf.org/tarc/](http://www.aecf.org/tarc/)> and <[www.aecf.org/initiatives/ntfd/making.htm](http://www.aecf.org/initiatives/ntfd/making.htm)>.

<sup>38</sup> Questions about compliance that are not answered during TA sessions could be the focus of written reports from the grantee to the grantor; again, this is a method typically used by foundations.

Despite inter-tribal learning being a goal of CIRCLE, this opportunity for inter-tribal learning was missed, and with it, the opportunity to provide valuable, relevant, and needed TA.<sup>39</sup>

### **Invest in Local Actors**

Cross-site study underlines the importance of quality local leadership to the effectiveness and sustainability of the CIRCLE initiative. The site coordinators appear to be particularly important local leaders. The coordinators have played a key role in matching federal funding streams with local needs (that is, in strategy design and implementation). They have served as a vital point of communication between tribal and federal partners and, more generally, as the mediator between two sovereigns, struggling to fuse the nations' competing priorities and demands. Lacking alignment with specific local institutions, they have been able to function as real change agents, promoting reforms and innovations that are good for their tribal justice *systems* (as opposed to benefiting a particular department or agency only). In the absence of administrative oversight of newly created justice system positions, they have provided employees with necessary supervision. They have communicated the ideas of CIRCLE to community and government audiences and worked to gain political support and authority for their tribes' CIRCLE strategies. Finally, they often provided specific, detailed support and troubleshooting assistance to partner programs and their personnel. When we asked questions at the sites about sustainability, the answer we invariably heard was that sustainability depended on the Project's coordinators (the role, not necessarily the person), in that the coordinators promoted an overall vision for the Project within the community and helped ensure that the entire effort continued to move forward.

This finding argues that investments that increase the site coordinators' capacity to do their jobs well are likewise investments in sustainability. The authors of future initiatives should consider providing these local leaders with the following types of support and capacity enhancements:

- *Capacity to maximize efficiency.* The CIRCLE coordinators' most common complaint about their jobs was the amount of detail work they were required to do, both for federal reporting purposes and for partner program management. These demands meant they too often gave short shrift to "big picture" tasks such as political communication, planning, community interaction, building a team of core supporters who shared similar system change ideas, and assessing strategic progress. Providing administrative assistance and technological support are straightforward ways to redress this imbalance and shift the coordinators' day-to-day focus from grant management to strategy.
- *Training and learning opportunities.* While each of the CIRCLE coordinators had a unique set of skills that was useful to the job, each could have benefited nonetheless from training and learning opportunities aimed at improving their effectiveness in the coordinator role. Every effort should be made to provide coordinators of future programs with (for example) strategic planning and plan

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<sup>39</sup> The literature on peer TA provides additional evidence of this point. See, for example, Center for the Study of Social Policy (1998).

implementation skills, political communication and negotiation skills,<sup>40</sup> financial planning and analysis and budgeting skills, public outreach skills, and facilitation skills. Peer TA may provide a particularly fruitful training opportunity, as peers would understand exactly what kinds of challenges the coordinators face, and might even be able to offer training that others would not be able to – such as “training” in the patience and courage that it takes to see change through.

- *Rest, regeneration, and recognition.* People perform better when they can approach their jobs with energy, excitement, and a sense of worth. Given the demands on the CIRCLE coordinators to spearhead change, promote the idea in a sometimes unreceptive climate, and manage the many details associated with system change, these “three R’s” may be especially important for them. Building in funds for the coordinators to have lunch with or enjoy recreation activities with their local and federal partners, providing opportunities for peer interaction during cluster meetings and site visits, and giving the coordinators’ kudos at local and national events are a few examples of what might be done to serve these purposes.

Certainly, evidence from the sites suggests that the coordinators are not the only local leaders able to affect the progress and sustainability of CIRCLE – they may be the most critical on-the-ground leaders, but they are not the only ones. Across the sites, champions for system change were, variously, members of the executive branch, partner (and non-partner) program administrators, site-based federal employees, influential citizens, and tribal college representatives. Using the mechanisms listed above to support this broader array of local leaders builds additional local leadership capacity in support of sustained system change.

### **A Final Note on Funding Technical Assistance**

Though we describe opportunities for increasing and enhancing TA that maximize current resources (ranging from rethinking monitoring functions to using the accumulated expertise and experience of site coordinators), we acknowledge that the more ambitious technical assistance agenda we propose will require at least some new funding. Engaging a wider range of funders, especially private funders, might be one means of increasing the resources for TA. Increased federal funding might require the means mentioned above – block grants or the extension of self-governance compacting authority to the U.S. Department of Justice. While these new programs would require legislative support, they would be built on extensive federal practice and policy.

### **Summary and Conclusion**

We conclude that CIRCLE was a productive investment of the efforts and resources of the participating federal and tribal partners. CIRCLE generated valuable new knowledge about the strategic importance of addressing crime problems through system-level (as opposed to program-level) thinking, the promise of federal cross-agency (and, potentially, cross-department) cooperation and coordination as a means of increasing the value of federal investments in

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<sup>40</sup> All of the coordinators related stories of the difficulties they had had in keeping the political commitment to the Project going, and yet, change is difficult to sustain without the buy-in of at least some political leaders.

building strong and resourceful tribal communities, and the critical role that tribal sovereignty and culture play in creating effective tribal institutions. Of equal importance, CIRCLE produced tangible progress in the process of justice system strengthening at each of the tribal sites:

- It enabled the Pueblo of Zuni to make substantial progress toward the development of a functioning criminal justice *system* by: (1) strengthening the performance of constituent agencies (domestic violence service providers, the police department, corrections, etc.); (2) building a sophisticated management information system capable of providing timely information on the performance of individual agencies and the system as a whole and, eventually, on the overall justice system's ability to assist the tribe in addressing difficult social and criminal problems; and (3) developing a theory of change (or logic model) that has helped the tribe craft a strategic approach to "breaking the cycle of violence."
- It has helped a set of key Northern Cheyenne leaders and community members consider the importance of developing a tribal Department of Justice; it has allowed the creation and expansion of programs that support a better tribal court (probation programs, victims assistance programs, court clerk positions, etc.); and it has enabled an ongoing focus on the problems of the nation's youth and the development of a youth rehabilitation center to complement other youth outreach efforts.
- It has provided citizens of the Oglala Sioux nation an opportunity to identify how their culture and other important features of the local context should influence the design of their criminal justice institutions. This has, in turn, provided reformers with a framework for rethinking the design of current institutions and agencies charged with addressing crime and crime-related problems.

We identify four opportunities for increasing the impact of similar initiatives in the future:

- First, we recommend building on the federal partners' efforts to support CIRCLE through the development of mechanisms that: (1) increase coordination and communication across federal agencies and between federal agencies and tribes, and (2) streamline the funding process for tribes seeking to strengthen the performance of their justice systems. In essence, this kind of arrangement exchanges increased flexibility in terms of funding and program mandates for strong commitments to system change and performance accountability – it provides an incentive for strategic thinking. Formalizing the CIRCLE working group – and, over time, vesting it with increased authority and resources – could be an effective means of institutionalizing this incentive structure and capturing and preserving the learning gained in such comprehensive initiatives.
- Second, we recommend strengthening the focus on nation building as the conceptual framework for planning and implementing similar initiatives. We assert that the federal government *and tribes* must work harder to share the "tribes as nations" frame of reference. If tribes' nationhood is a consistent focus in the work, federal and tribal representatives may find more fruitful ways to negotiate

and compromise, and tribes may gain increased control of their futures by exercising greater choice over the type of funding they accept and programs they develop. An important consideration for tribes is that the nation-building perspective obligates them to think more strategically about the role grant opportunities play in the process of nation building.

- Third, our review of the relative starting and ending points for each of the tribes strongly suggests investing increased resources in assessment and planning. The most tangible payoff will be improved institutional and system performance. We emphasize the role of cultural match in ensuring effective, sustainable institutions: research shows that institutions that are sensitive to the local context and incorporate culture in their design are not only better performing but also better able to leverage a wide range of valuable, informal community resources in addressing local social problems. This is particularly important in Indian country, where the mechanisms for maintaining social order and resolving conflicts are often embedded in custom, culture, and tradition.
- Finally, we draw attention to the importance of considering sustainability in the design and implementation of future initiatives. This is much more than asking where the money will come from after the current funding cycle ends (though we emphasize that a consistent finding from related initiatives is that fundamental system change requires more than the typical three-year investment, which is, after all, an arbitrary designation). We point, in particular, to the value of high quality technical assistance in building local capacity and to the importance of investing in the development (and maintenance) of the local executive leadership these initiatives depend on to champion and manage change.

Taken together, the accomplishments at each of the sites and the valuable new knowledge about system change in Indian country produced by the CIRCLE initiative point to the importance of getting the foundations right. At Oglala Sioux, this is demonstrated in the tribal partners' improved understanding of the kind of institutional design that might work best in their particular tribal context; at Northern Cheyenne, this is demonstrated in the partners' appreciation of the essential functions of a tribal Department of Justice; and at Zuni, this is demonstrated in the CIRCLE Project's success at shaping a set of tribal justice institutions into a system with the capacity to make progress on a range of pressing social and crime problems. These are all substantial initial accomplishments, but we also recognize that this is a midstream perspective. The next challenge for existing stakeholders in this effort – both federal and tribal – will be to make the right investment in strengthening and building on these foundations.

# The History of CIRCLE at the Federal Level

## Introduction

Perhaps the most important aspect of the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project evaluation is that it is *participatory*. The clear implication of this approach at the tribal level is the tribal partners' opportunity (and responsibility) to help design and guide the evaluation. But there are other implications of a participatory approach as well, some of the most important of which stem from the Project's focus on partnerships. For example, the federal-tribal partnership in CIRCLE implies that the federal partners also ought to have opportunities to help guide the tribal site evaluations (which they did through the CIRCLE Project Evaluation Subcommittee). And it implies that both the tribal *and federal* partners have a responsibility for making CIRCLE work, a responsibility that, in a participatory evaluation framework, exposes the federal partners' agencies and processes to the same scrutiny as the tribes'. The solicitation for the CIRCLE Project evaluation made it clear that federal CIRCLE Project designers both realized and expected this; it called for an evaluation that, among other things, focused on "the development of the CIRCLE Project in the U.S. Department of Justice including the streamlined application, reporting, and monitoring processes and the assessment of these processes by the three CIRCLE Project sites" (National Institute of Justice 2000, p. 4).

Federal level process analysis has at least two important benefits. For one, it helps ensure tribal participation in evaluation activities. Tribal partners consistently cited the evaluation of federal partners as one of the things they liked best about the CIRCLE evaluation and as a motivator for their own participation. They recognized the connections between a federal process evaluation and true federal-tribal partnership and, thus, saw the federal process evaluation as supportive of the government-to-government relationship. Along these same lines, they noted that federal process analysis demonstrated the U.S. Department of Justice's understanding that changes at both the tribal *and federal* levels might be necessary to make the Project successful. Indeed, this is the second benefit: the analysis clarifies the kind of adjustments that might improve the Department's future efforts.

This paper presents the federal process analysis. It describes the development of the CIRCLE Project within the U.S. Department of Justice (USDOJ) by explaining the context in which the Project arose, the genesis of the specific idea, the development of a management structure within USDOJ for this comprehensive effort, the selection of participant tribes, the Project's "kick-off," and the roles of the various federal partner, quasi-partner, and non-partner offices, bureaus, and agencies during Project implementation. The paper concludes with a preliminary assessment<sup>41</sup> of the U.S. Department of Justice's relative success in meeting the goals it set for the Project.

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<sup>41</sup> The CIRCLE Project evaluation is intended to have two phases, an earlier, 18-month process evaluation phase and a later, 30-month outcome evaluation phase. This paper is a part of the first phase, and in that sense, nearly all of its assessments are "preliminary," since the evaluation as a whole is not complete. But evaluative statements that have to do with Project outcomes or other types of long-term change are "preliminary" in another sense as well – they are more or less unobservable in this early phase.

## **I. Concept Development: CIRCLE's Origins, Goals, and Final Form**

### **Genesis of the Idea**

During the 1990s, the U.S. Department of Justice began an important shift in its policy involvement in Indian Country. Historically, the Department's role was narrow – its personnel engaged with Indian Country primarily through the investigation and prosecution of crime. But as the inadequacy of law enforcement and justice services to address contemporary problems in Indian Country became increasingly apparent, USDOJ expanded its involvement and worked to augment the core justice services provided by the Department of the Interior Bureau of Indian Affairs (BIA) Divisions of Tribal Government Services and of Law Enforcement Services.

For example, in 1995 USDOJ funded the Tribal Strategies Against Violence Program (TSAV), a tribal-federal partnership designed to empower tribal communities through the development and implementation of a comprehensive reservation-wide strategy to reduce crime, violence, and substance abuse. USDOJ launched the Indian Country Justice Initiative (ICJI) in 1995 and worked with two Indian nations, the Northern Cheyenne Tribe and the Pueblo of Laguna, on a pilot effort to streamline USDOJ's support for Indian Country. In 1996-97, representatives from USDOJ worked together with colleagues from the Department of the Interior Bureau of Indian Affairs and select tribal leaders on the "Executive Committee for Indian Country Law Enforcement Improvements," in an effort to analyze and propose responses to tribes' pressing crime and justice concerns. In 1998, the U.S. Departments of Justice and Interior jointly committed to increasing resources for tribal public safety through the Indian Country Law Enforcement Improvements Initiative (ICLEII).<sup>42</sup>

The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project is a companion to and outgrowth of these efforts (although it is probably most closely associated with the ICLEII). The specific idea for a new comprehensive program emerged after Attorney General Janet Reno visited the Wind River Reservation in Wyoming in July 1998. The idea was detailed in an October 29, 1998 memo from the Director of the Office of Tribal Justice (OTJ) to the Attorney General entitled "Concentrated and Coordinated USDOJ Programs on Selected Indian Reservations" (LeClaire 1998). After discussions with staff from a variety of divisions, programs, offices, and agencies within USDOJ, the Associate Attorney General recommended the approval of the CIRCLE Project in November 1998.

### **The Goals, Guiding Principles, and Innovations of the CIRCLE Project**

The proposal memo for CIRCLE lists three specific objectives/goals for the Project:

- "Accelerate and coordinate USDOJ programs and grants at CIRCLE demonstration sites to guide general implementation of the Indian Country Law Enforcement Initiative
- "Promote the inter-tribal exchange of ideas and experiences in law enforcement, community development, and federal-tribal relations

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<sup>42</sup> This history is reviewed in greater detail in Baca (2001) and in Office of Justice Programs (1997).

- “Develop a comprehensive planning and development process for safe and healthy tribal communities” (LeClaire 1998, pp. 1-2)

These goals were intended to reflect USDOJ’s understanding that “the most effective solutions to the problems faced by tribal communities are likely to come from within the communities themselves, rather than being imposed by the Federal Government, and [that] the problems to be addressed require a comprehensive approach that incorporates coordinated and multidisciplinary efforts” (Baca 2001, p. 10; see also, National Institute of Justice 2000, p.3).

During evaluation interviews conducted in the latter half of CIRCLE implementation, USDOJ staff noted several additional, less explicit goals for the CIRCLE Project. To a large extent, these reflect the same commitment to and appreciation of tribally driven solutions and comprehensive programs that the goals listed in the Project proposal memo do. Yet they also reveal a strong *pragmatic* strain in the federal partners’ hopes for and expectations of CIRCLE. The supplementary goals USDOJ staff (almost all of whom were directly involved in grantmaking or policymaking for the CIRCLE Project) discussed were:

- *To address (or at least draw attention to) the baseline roadblock that tribes have in developing comprehensive programs – serious gaps in their criminal justice systems.* Unlike states and municipalities, tribes have not had the opportunity to build up their modern justice systems over a relatively long time span. Their traditional systems were suppressed or eliminated by colonizers, and it is only since the mid-1970s that tribes have been able to reconstitute justice systems under their own control: self-determination and self-governance policies gave them the option to develop more full-bodied court systems and to manage law enforcement and other justice-related programs once administered by the BIA. This is an ongoing process, and thus, it is generally the case that contemporary tribal justice systems are “less complete” than their non-tribal counterparts. Also, most tribes lack the financial wherewithal to augment grant funds; their tax bases are severely constrained by comparison to states and municipalities, and relatively few tribes have significant alternative sources of government revenue.<sup>43</sup> This constraint results in “here today, gone tomorrow” programs (as grant funds run out and cannot be replaced from tribal coffers), an ever-changing array of system components (a tribe might win funds for a probation officer in one year and for a victims advocate in the next), and strange intra-program funding deficits (a tribe might have funding for a police officer but not for that officer’s uniforms). Comprehensive initiatives aim to attack related problems from multiple perspectives; this is difficult enough in settings where the partnering programs are well established. Implementing a comprehensive strategy is that much more difficult in settings – like Indian country – where programs must be created or strengthened before real partnership is possible and where there is no guarantee that present partners will remain in existence even in the short run.

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<sup>43</sup> Despite the income some tribes have from gaming, only a few have profited significantly (U.S. General Accounting Office 1997) and even for them, gaps in justice system institutions, programs, and infrastructure are only one of many demands on government revenue (see, for example, Cornell *et al.* 1998, especially pp. 60-72).

- *To highlight the need for additional and more consistent resources for tribal law enforcement projects (and to remedy the problem, at least for a little while, for the three participating tribes).* As noted above, tribal justice systems suffer from limited and inconsistent funding. The Indian Country Law Enforcement Improvements Initiative provided additional resources to several USDOJ programs as a means of increasing the funds available to Indian Country, and yet, internal questions persisted about why the programs serving Indian Country received extra funds. Thus, demonstrating the real need for additional money for Indian Country and justifying these internal allocations was another Project goal. Proponents of CIRCLE also realized that the Department's usual categorical and piecemeal approach to grantmaking contributed to tribes' problems with limited and inconsistent resources, and they hoped that CIRCLE would address these problems for at least a little while. (Of course, the financial resources used for CIRCLE are themselves subject to the Congressional appropriations process, so the agencies participating in CIRCLE could, at best, offer a partial solution: they could only guarantee that, if the tribes abided by the rules of the annual application process, they would, for a few years, receive a portion of the agencies' funds.)
- *To foster true strategic planning and to increase the partnership between tribes and USDOJ.* When a tribal nation can work cooperatively with the federal government on a particular issue on an ongoing basis, and with guarantees that the funding for the programs in place will continue, it is possible to move from short-term crisis-driven "planning" to true strategic planning. Indeed, this is one benefit of the contractual relationships developed between tribes and the Bureau of Indian Affairs and Indian Health Service (IHS) under P.L. 93-638. A longer-term relationship also promotes a sense of partnership. By contrast, USDOJ's usual piecemeal grant process discourages strategic and comprehensive planning and limits feelings of joint purpose. Supportive staff within USDOJ expressed hope that, with its longer-than-usual time span, CIRCLE would improve the chances for real strategic planning and increase the sense of partnership between USDOJ grantmakers and tribal leaders, administrators, and program managers.

Whether or not CIRCLE met these sets of goals is an important consideration in assessing the CIRCLE Project's overall success, and is a topic that is addressed at the conclusion of this paper.

### **Brief Description of the Resultant Project**

The sections that follow give greater detail about how the U.S. Department of Justice built on these plans and goals. Yet it is useful at the outset to present a brief outline of the program that emerged: currently under implementation at the Northern Cheyenne Tribe, Oglala Sioux Tribe, and Zuni Pueblo, the Comprehensive Indian Resources for Community and Law Enforcement Project creates a funding collaboration at the federal level between six offices and bureaus within the Office of Justice Programs (the Corrections Program Office,<sup>44</sup> Violence Against Women Office, Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention,

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<sup>44</sup> By the time of this report's release, the Corrections Program Office had been dismantled, and its functions subsumed under the USDOJ Bureau of Justice Assistance.

Bureau of Justice Assistance, and the National Institute of Justice) and the Community Oriented Policing Services Office (COPS). The collaboration does not commit new funds to Indian Country; rather, it works to streamline the federal funding process by which tribes receive money for corrections programs, domestic violence, victim services, youth services, tribal courts, and law enforcement and encourages Indian nations to develop a single strategy for using these funds. Other, non-grantmaking offices and agencies of the U.S. Department of Justice participated in the Project to varying degrees. For example, the Office of Justice Programs (OJP) American Indian and Alaska Native Affairs Desk (AIAND) had a prominent role in spearheading Project development and coordinating Project implementation; the Office of the Assistant Attorney General authorized the release of resources to the participating tribes; the Office of Tribal Justice provided critical management guidance; and the USDOJ Office of the Comptroller offered key advice and technical assistance.

As noted, the hope is that CIRCLE, not only through its focus on effective planning at the tribal level but also through the federal funders' collaboration in support of comprehensive strategies, will enable tribal communities to develop programs that are better able to combat the interlinked community problems of crime, violence, substance abuse, and juvenile delinquency. The fact that CIRCLE is designed to explore the benefits of more integrated federal funding for tribal justice programs is a critical distinguishing element of this Project from its predecessors (such as ICJI, tribal Weed and Seed, and TSAV). Other initiatives have focused tribes on comprehensive planning, but the collaboration between the seven USDOJ units participating in CIRCLE is innovative and unique in the Department's history of involvement with tribes.

## **II. Developing a Federal Oversight and Management Structure for CIRCLE**

### **Creating an Administrative Structure for Grantmaking from Multiple Programs**

The first challenge CIRCLE's developers faced was determining where to "site" oversight and management of the Project within the U.S. Department of Justice. On the one hand, OJP was a logical choice since CIRCLE was a grant program and OJP's offices and bureaus likely would make most of the grants that comprised the program. On the other hand, some Project proponents were reluctant to place CIRCLE within OJP because of their concern that truly innovative programs were the only way to better support tribes and their impression that OJP was not a fostering environment for innovative grant programs; indeed, one of the more innovative and successful grant programs in Indian Country, COPS, was placed outside OJP specifically to avoid its bureaucracy.<sup>45</sup> There were discussions about locating the Project elsewhere, such as in the Criminal Division, but pressure from the Attorney General to move forward meant that a decision and action were required. Lack of realistic or feasible short-run alternatives led to a decision in favor of OJP.

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<sup>45</sup> Certainly, not all Project proponents within USDOJ shared this perspective; as stated, *some* did. Others pointed to the long-term involvement and experience of offices such as OVC (which has been involved with tribes since 1989) and VAWO and argued that OJP made the most sense as a host agency. On the other hand, many tribes share the stated impression of OJP and COPS. As with other USDOJ grant programs, there have been stumbling blocks to the COPS Office's interactions with tribes, but overall, tribes view the Office's leadership as supportive of tribal programs and consider the development of the special COPS Tribal Resources Grant Program an extremely positive step.

The second challenge was Project development *per se* – that is, the challenge of translating the Attorney General’s vision, and the Assistant Attorney General’s approval memo, into a real and workable initiative. This task was assigned to the OJP American Indian and Alaska Native Affairs Desk. In response, the desk officer undertook an education effort to learn about past USDOJ comprehensive projects and gather ideas for the new project. She then met with the leadership of each bureau and program office within OJP to educate them about the CIRCLE Project; to request resources and support staff; to help coordinate policy efforts and, where appropriate, assist in policy development; to troubleshoot; and to brief bureau and program leaders on the initiative’s progress. While this involvement was most intensive during Project development, the AIAND officer continued such involvement throughout the Project’s implementation.

Certainly, recruitment of a group of funding programs within the U.S. Department of Justice to participate in this innovative initiative was a central aspect of the Project development challenge. Initial recruitment (as noted, conducted largely by the AIAND officer) focused on the grantmaking programs already involved in the Indian Country Law Enforcement Improvement Initiative – the Community Oriented Policing Services Office and, within the Office of Justice Programs, the Corrections Program Office (CPO), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Bureau of Justice Assistance (BJA) Tribal Courts Program. Then, invitations were extended to other grantmaking offices with significant funding relationships with tribes, including the Violence Against Women Office (VAWO), the Office of Victims of Crime (OVC), and the Drug Courts Program Office (DCPO). The core group of funding partners – COPS, CPO, OJJDP, BJA, VAWO, and OVC – emerged from these two recruitment efforts. While this is an impressive team both in its size and breath, interview sources stressed that not only DCPO but several other grantmaking programs within USDOJ also opted against participation.

The creation of a specific oversight and management structure for CIRCLE was a third challenge. One early idea was for the OJP American Indian and Alaska Native Affairs Desk to administer the overall program and for the Corrections Program Office, the OJP unit that had received the most money in the ICLEII, to manage the “money side.” Concerns arose within OJP, however, about the desirability of taking direction from a non-grantmaking entity that was essentially an advocate for tribes. In the end, however, a version of the early idea held sway. In consultation with the Office of the Assistant Attorney General of OJP, the OJP AIAND and CPO agreed that CPO would be the lead administrative and financial agent within OJP for CIRCLE, but that the offices would jointly manage the CIRCLE Project and report monthly to the OJP Deputy Assistant Attorney General. This arrangement provided the Project with CPO’s grantmaking expertise and AIAND’s working knowledge of Indian tribes.

It should be noted that CPO took on substantial administrative and financial oversight tasks as lead grant manager for CIRCLE. Each OJP and COPS grant program operates under a different set of statutory requirements that dictate how funds may be spent, and these limitations were not removed when the programs committed to CIRCLE; thus, CPO’s lead grant manager needed to learn all of the statutory requirements guiding the grant programs of each CIRCLE partner, which, in some cases, differed significantly from CPO’s. He needed to develop a system for tracking the flow of paperwork between all the programs and, if possible, marry this collaboration on paper to a more personal feeling of partnership between the participant programs

(through the convening of regular meetings, for example). The lead grant manager also needed to serve as a point person to the three tribal programs, which meant, among other things, being available to take their calls, troubleshoot for them with the other partners, and work to secure technical assistance requests. Theoretically, this single point of contact for CIRCLE made it easier for tribes to receive support. In practice, however, it slowed response time and some tribal and federal partners even felt it added a layer of bureaucracy, as the questions and problems that tribes raised had to be relayed from the lead grant manager to the relevant partner program. This problem lessened as the Project moved forward and the tribes developed relationships with individual program representatives; many felt that this was a good solution, particularly in light of the other demands of the lead grant manager role.

### **Raising and Resolving Tensions Between Project Supporters**

While one group of OJP and COPS staff worked to create a management structure that could make CIRCLE a reality, another group within USDOJ remained apprised of and engaged with CIRCLE as a concept. Essentially, there were two groups of CIRCLE proponents within USDOJ, and these groups represented two very different USDOJ functions – policy development and grant management. The policy group centered around the Office of the Associate Attorney General. It provided leadership and policy direction but no grant funds. The grants management group was comprised largely of OJP and COPS grant managers. This group not only provided funds but also carried out much of the nitty-gritty work necessary for program implementation.

From the beginning, tensions existed between the groups. One contributing factor was limited understanding of each other's organizations. For example, members of the policy group tended to lack familiarity with the statutory requirements of OJP and COPS grants, which the grant managers relied upon in making their decisions. The groups also had very different decision-making authority and styles. The policy group preferred to lay options on the table, discuss them until a consensus could be reached, and direct action based on the emergent decision. The grantmakers, following funding rules, deferred more decisions up the OJP hierarchy. While the groups spent time trying to educate each other, they were nonetheless frustrated by their organizational differences. Members of the grant management group often felt under fire from the policy group simply for doing their jobs. Members of the policy group were frustrated by the grant managers' lack of final authority to make decisions and seeming inability to be innovative.

These tensions and differences were particularly evident in the Project's goals, the speed of its implementation, the decision to make Project coordinators tribal employees, and in USDOJ's communications with the participant tribes around the content of the first cluster conference:

- *Goals.* Members of the policy group were very focused on the Attorney General's desire to know the effect a comprehensive project would have in Indian country. Members of the grants management group were concerned about showing the needs basis for the additional funding their offices and agencies had received.
- *Speed of implementation.* The policy group felt that since CIRCLE was a directive from the Attorney General, the Project should be pushed fairly quickly from the concept phase to implementation. The grant management group wanted to move more slowly and engage the tribes in more strategic planning and development. In the end, the Associate Attorney General decided that since CIRCLE involved the

“acceleration of existing programs and grants at the selected demonstration CIRCLE sites, performing a preliminary needs/priorities assessment is unnecessary” (Fisher 1998, p.1).

- *Coordinators as tribal versus federal employees.* In part because coordinators in the Indian Country Justice Initiative had been federal employees and also because of a belief that federal employment might free the coordinators from tribal political interference, USDOJ’s policy group advocated that the CIRCLE coordinators be federal employees (LeClaire 1998). By contrast, the grant managers felt that the tribal-level CIRCLE Project coordinators should be tribal employees. They not only believed that this arrangement was more supportive of tribal sovereignty, but also that it would better position the coordinators to innovate and accomplish Project goals (as tribal employees, the coordinators would be free of the rules and restrictions of federal employment). By the May 1999 CIRCLE introduction meeting in Rapid City, the issue was resolved in favor of tribal employment.<sup>46</sup>
- *First cluster conference.* Members of the policy group encouraged representatives from the Northern Cheyenne CIRCLE Project to take a leadership role in agenda development for the first cluster conference, which was to be held at Northern Cheyenne in April 2000. When OJP received the agenda, it substantially revised the conference plan, explaining that the Northern Cheyenne agenda did not meet statutory grant requirements and that without revision the expense could not be justified to OJP leadership. Grant managers felt that the policy group should have known the rules and not over-promised what could be accomplished at the cluster meeting; they also felt that had their perspective been brought to the table sooner, they might have been able to incorporate more of the Tribe’s original ideas.<sup>47</sup>

These differences resulted in a situation in which each group felt that the other did not know how to use USDOJ resources effectively in Indian country. Grant managers saw the policy group’s recommendation that the site coordinators be federal employees, their recommendation that requests for technical assistance by-pass standard channels, their rush to implementation, and their limited appreciation of grants’ statutory requirements as evidence of a lack of understanding of how to work on-the-ground. The policy group members felt that the grant managers were inadequately supportive of the Department’s commitment to a government-to-government relationship with the tribes and cited the cluster conference agenda revision as an example of how OJP had minimized tribal input and control.

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<sup>46</sup> In later interviews, policy staff acknowledged that their change of heart resulted from an improved understanding of what made projects work in Indian Country, which then necessitated a re-balancing of the arguments for and against federal employment.

<sup>47</sup> Evaluators heard conflicting stories about the planning phase for this cluster conference; the most common version of events is reported here. To the point, one federal interviewee reported that the agenda remained largely unchanged, but most other federal and tribal interviewees reported that the Tribe’s original ideas and plans were substantially revised to fit within OJP’s funding guidelines.

For a time (much of calendar year 2000 through January 2001), the groups even met separately. Eventually, however, the two groups merged into one, with its membership consisting of representatives from OTJ, NIJ, COPS, and the grantmaking offices and bureaus of OJP. The transition from the Clinton to the Bush Administration was instrumental in making this happen. During the Project's midpoint and maturity (from early 2001 onward), this new group met twice a month to discuss CIRCLE implementation. It also formed three subcommittees – a public relations subcommittee, an evaluation subcommittee, and cluster meeting subcommittee, the latter two of which included tribal representatives. In order to keep the highest levels of USDOJ administration advised of CIRCLE plans and progress, an OJP staff member (usually the lead grant manager from CPO or the OJP American Indian and Alaska Native Desk officer) briefed the Office of the Assistant Attorney General on regular basis.

Overall, interviewees reported that these regular CIRCLE meetings fostered teamwork between the federal partners. Additionally, although CIRCLE and the cooperation it demanded created more work (and sometimes more frustration) for the federal partners, they noted the Project and the interaction between programs, offices, and bureaus it necessitates have helped them better understand how the other federal components work.

### **III. Practical Aspects of Project Implementation**

#### **Selection of Participant Tribes**

In the earliest phases of the CIRCLE initiative's development, there was debate about the desirability of targeting specific tribes versus determining CIRCLE participation through a competitive process. Many policymaking and leadership offices within USDOJ preferred participation by invitation, while many within OJP preferred participation through competition. Ultimately, the balance of opinion and politics was in favor of participation by invitation.

This decision required CIRCLE's initiators to select a group of tribal invitees. Many players within USDOJ participated in the selection effort, including the Office of the Attorney General (OAG), the Office of Tribal Justice, an OAG subcommittee comprised of U.S. Attorneys with an interest in Indian country, the Department's Criminal Division, the Office of Justice Programs, and the Office of Community Oriented Policing Services. In the general terms of the preceding section, site selection was a joint effort of the policymakers and grant managers. A variety of considerations factored into their decisionmaking, and like CIRCLE's goals, only some criteria were made explicit in the Project proposal memo; other, less explicit selection criteria were reported in interviews. The criteria helped USDOJ narrow the list first to 6-8 possible invitees, and finally, to three. The specific considerations that led to the selection of the Northern Cheyenne Tribes, the Oglala Sioux Tribe, and the Pueblo of Zuni were:

- *Population.* Project designers wanted to reach out to tribes with medium to large populations, which they defined as greater than 5,000 but less than 40,000. According to the *Indian Labor Force Report, 1997* (Bureau of Indian Affairs 1997), the Northern Cheyenne Tribe's 1997 enrollment was 7,373, and its on-reservation BIA service population was 4,199; the Oglala Sioux Tribe's 1997 enrollment was 39,734, and its on-reservation BIA service population was 39,321;

and the Pueblo of Zuni's 1997 enrollment was 9,281, and its on-reservation BIA service population was 9,634.

- *Level of crime.* Project designers wanted to fund tribes that had serious violent crime problems, “in terms of the nature and volume of the tribal and federal caseloads” (LeClaire 1998, p. 4).<sup>48</sup> The lack of reliable and comparable crime statistics across Indian Country makes it difficult to assess how the tribes ultimately selected compared with each other and with the universe of tribes as a whole in this dimension; however, all three report having considerable and intensifying crime problems at the outset of CIRCLE. Data from a single-day jail census in 1998 suggests that, among 50+ tribes with their own jail and detention facilities, all three tribes rank near the middle of the list in terms of the proportion of the resident Native population that is under local supervision; on June 30, 1998, approximately 0.6% of the Native population at Zuni, 0.4% at Northern Cheyenne, and 0.3% at Oglala Sioux was under supervision by tribal authorities (estimates calculated from Ditton 2000 and Bureau of Indian Affairs 1997).
- *Governance and justice infrastructure.* Project designers wanted to work with tribes that had a “reasonably well-developed tribal infrastructure, including tribal government, law enforcement, and court system” (LeClaire 1998, p. 4). At the initiation of CIRCLE, the Pueblo of Zuni and the Northern Cheyenne Tribe already were in the midst of justice system strengthening, and for the latter, the process even had included a constitutional reform supporting the separation of powers and an independent judiciary. By contrast, the Oglala Sioux Tribe had received low marks on a recent BIA review of the Tribe's Department of Public Safety (Naranjo et al. 1996), suffered from allegations of government corruption, and was sinking deeper into a constitutional crisis (that would erupt with a takeover of the central tribal administration building in January 2000).
- *Relationship with USDOJ or OJP.* Project designers were interested in using CIRCLE as a vehicle for strengthening current relationships with tribes. During the selection process, grant managers within the Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS) looked across their programs for tribes with which they had developed good working relationships. For example, Northern Cheyenne had a previous relationship with OJP and the USDOJ Criminal Division through the Indian Country Justice

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<sup>48</sup> This factor points CIRCLE towards addressing a twofold problem – the tribal justice system's ability to address reservation-based crime and justice issues and the ability of the U.S. Attorney's Office and Federal Bureau of Investigation to do the same. As a policy matter, CIRCLE Project planners within USDOJ knew that the involvement of the U.S. Attorney's Office and FBI was necessary, and they especially encouraged the district-based U.S. Attorneys to be involved with the CIRCLE sites. As a result, the U.S. Attorneys were involved at each site to varying degrees, and mostly at the outset rather than throughout the Project (see U.S. Attorney section further on in the text). There was little or no involvement of the FBI. As a practical matter, this result (limited partnership with USDOJ entities working on the ground with tribes) was not surprising. There was no incentive for them to be involved, since all CIRCLE funding was directed at tribal agencies. Thus, data on the number of *tribal* arrests, *tribal* prosecutions, and *tribal* court convictions might have been better indicators of the kinds of crime and justice problems that CIRCLE had the capability to address.

Initiative. Based upon the Pueblo of Zuni's past history with USDOJ grant programs, representatives from both OJP and COPS believed that it had the capacity to do very well with CIRCLE. Again by contrast, the Oglala Sioux Tribe recently had had difficulty managing a VAWO grant, a situation that resulted in allegations of tribal irregularities in the spending of program funds and a USDOJ audit.

- *Traditionalism.* Attorney General Reno was very interested in indigenous justice and wanted to include at least one tribe in the CIRCLE Project that might provide a model of the effectiveness of indigenous approaches to justice; Project designers were particularly interested in learning how USDOJ grants, which are geared towards Western justice, work in traditional communities. While there are strong cultural influences on justice and law enforcement at each site, most USDOJ staff viewed the Pueblo of Zuni as “the most traditional.”
- *Commitment.* Before moving forward with a tribe, USDOJ wanted to make sure that its political leaders (chief executive and council/legislature) were committed to the Project. To ascertain this commitment, OTJ, COPS, and local U.S. Attorneys made an official visit to the top candidate tribes to identify tribal justice components, develop a better understanding of tribal justice needs, and gauge tribal interest in a project like CIRCLE. There was a federal aspect to commitment as well. President Clinton had visited Pine Ridge Reservation, home of the Oglala Sioux Tribe, in July 1999, and in his speech there, he promised additional resources from the U.S. government to help the Tribe tackle the numerous challenges it faced.
- *Tribal jurisdiction and law enforcement arrangements.* Project designers wanted to work with tribes whose criminal jurisdiction was not restricted under P.L. 83-280, as greater jurisdiction might allow a tribe to work more comprehensively on crime and violence issues. But the Project's initiators also wanted to explore differences in the structure of law enforcement, especially management differences in the tribes' law enforcement agencies (direct service from the BIA versus tribal management under self-determination contracts or self-governance compacts). The BIA manages law enforcement for the Northern Cheyenne Tribe, while the Pueblo of Zuni and the Oglala Sioux Tribe have contracted to manage their own police departments under P.L. 93-638.
- *Community-based leadership.* Project designers were interested in working in communities with relatively strong community-based leadership (and, hence, the capacity to mobilize and engage the community in system change). While this factor was considered early in the site selection process, federal partners never cited it when they were queried about the factors driving selection.<sup>49</sup>

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<sup>49</sup> This is despite the facts that community-based leadership, community mobilization, and community education have proven important in the implementation of comprehensive strategies elsewhere (see, for example, Kelling *et al.*

- *Full faith and credit initiatives.* Project designers expressed initial interest in working with a tribe or tribes that had progressed with the implementation of full faith and credit initiatives to protect battered women, but this factor was little mentioned beyond the initial discussions. This could be because full faith and credit initiatives are in their infancy outside Indian country, let alone within.
- *Verifiable results.* Some Project designers expressed interest in working with tribes that already were active in the collection and reporting of accurate reservation-level criminal data, but like the two preceding factors, this consideration was discussed only in the very early stages of site selection. On-the-ground work has made it clear that each of the three tribes were then and continue to be at different stages in the process of moving toward accurate, timely, research-supportive data collection.

Based on this list, there were some strong reasons to exclude the Oglala Sioux Tribe from the CIRCLE demonstration – and yet, it was the one tribe on everyone’s list of potential candidates. USDOJ staff took President Clinton’s promises to the Tribe very seriously and additionally argued that if the CIRCLE Project could help OST improve its justice system, the Project probably could help *any* tribe.

### **The Invitation to Tribes**

CIRCLE was initiated formally through an invitation to the three CIRCLE tribes to attend a meeting in Rapid City, South Dakota in May 1999. In particular, USDOJ urged tribal leaders and representatives from the three tribes’ justice systems to attend. The purpose of the meeting was to present the CIRCLE Project to the tribes and to officially invite their participation. Significantly, not only USDOJ staff, but representatives from two other federal departments attended the meeting – IHS sent a representative to learn about CIRCLE, and a BIA delegation was present to answer questions about detention facilities. On the first day, USDOJ presented an overview of the CIRCLE Project and sought input from the tribes about the idea. The second day focused on strategic planning, with the hope that this brief training and planning exercise would give the tribes tools for developing their CIRCLE strategies. The session did not go as well as the federal partners hoped, however. Each tribe was at a different point in its planning process, and addressing these differences in such a large group and short time period proved problematical.<sup>50</sup>

From the tribes’ perspective, the meeting was a useful introduction to CIRCLE, and the opportunity to participate a favorable one. But the meeting also was criticized as a one-way

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1998 and Bureau of Justice Assistance 2001) and that, in retrospect, the CIRCLE Project has engaged community leadership to very different degrees across the sites. Preliminary results suggest that culturally appropriate community leadership may be an important factor in the successful implementation and sustainability of CIRCLE.

<sup>50</sup> One federal interviewee noted that the strategic planning session at the Rapid City meeting was intended to be the first of a series of planning sessions with each tribe. However, because of tribal and Departmental dissatisfaction with the technical assistance provider, the idea was scrapped. The interviewee also noted that the CIRCLE tribes were offered the opportunity to submit requests for additional strategic planning assistance on a training by training basis, and that each site chose only one (additional) strategic planning session. In interviews with tribes, only the Northern Cheyenne Tribe mentioned this opportunity; it received strategic planning assistance from the Crossroads Leadership Institute.

information flow. Over the course of two days, the federal partners explained CIRCLE, its purpose, and the grant opportunities it offered and provided information about strategy development. There were no formal presentations by the tribes about their current justice systems or the challenges they were facing and few informal presentation opportunities (these were limited to the feedback session and the strategic planning training). To the extent that it occurred, the tribes felt that two-way information flow began afterwards, as the federal partners followed up the Rapid City meeting with site visits to each participating tribe.

### **The First Step – Funding the Coordinator**

The tribes' primary follow up task to the Rapid City meeting was to apply for funding for their CIRCLE Project coordinators. Taking this first step would allow them to move forward in accessing additional funds, as the coordinator's role was to be "responsible for coordinating the development and implementation of the strategy by facilitating regular meetings of the board; monitoring progress on grant-funded project implementation; serving as the liaison between the tribe and the U.S. Department of Justice; facilitating coordination and cooperation among criminal justice, substance abuse and other social service agencies to improve services" (Office of Justice Programs, "CIRCLE Application Kit 1999," p. 4). The coordinator was to be the glue that held the Project together, facilitating cooperation between programs at the tribal level and brokering the federal-tribal partnership.

Each tribe selected its coordinator internally, although in consultation with the Washington-based CIRCLE partners and the local United States Attorney's Office. The Northern Cheyenne Tribe filled the coordinator post in August 1999, as did the Oglala Sioux Tribe. The Pueblo of Zuni followed with a hire in November 1999. At Northern Cheyenne and Zuni, the same coordinator was in place from the outset, while there were three coordinators at Pine Ridge (the first left after two months and the second after a year, both for "political" reasons). In every case, the Project coordinator is not only a tribal employee, but also a tribal member.

### **Annual Application and Review Process**

The participating tribes' applications for funds in support of the coordinator position were the first of four applications they were required to submit to gain access to CIRCLE funds. The later applications were submitted by the tribal coordinators on an annual basis (fiscal years 1999, 2000, and 2001) and were for program funds to support the implementation of the tribes' CIRCLE strategies. Tribes applied by completing a USDOJ-produced application kit, which bound together brief instructions and individual forms for the various grant programs that were cooperating in CIRCLE. In other words, the kit emphasized that CIRCLE was not a block grant program with pooled funding from several sources – tribes still had to tie proposed activities to particular funding streams. Yet at the same time, the kit eliminated any need for tribes to stitch this group of programs and grant applications together on their own, and being part of CIRCLE was a reasonably strong guarantee that the set of funds would be available for three years. That is, the Project and its application form lowered the search costs, uncertainty, and short time horizon constraints that the tribes otherwise would have faced in seeking similar grants from USDOJ.

Once the tribal coordinators submitted their annual funding applications to OJP, each USDOJ grantmaking program participating in CIRCLE reviewed the portion relevant to its funds. In

particular, grant managers made sure that the tribes' funding requests met statutory requirements. If there were questions, the individual grant managers followed a fairly formal process: they would mark up a review form and forward the question or concern to the lead grant manager in CPO, who would then contact a tribal representative for clarification or revision of the funding request. After the grant managers' individual reviews, the federal partners also met together as a group to discuss the tribes' applications.<sup>51</sup> Finally, before funds were disbursed to the tribes, the USDOJ Comptroller's Office reviewed the applications. Through this application, review, and funding process, the CIRCLE tribes received more than \$30 million from fiscal year 1999 to fiscal year 2001 to strengthen their justice systems. (The Appendix to this paper breaks these funds out by tribe, USDOJ program, and year.)

In the abstract, this is a smooth process. In practice, there were significant bumps in the road that required adjustments along the way – and even then, not all of the issues could be resolved. One problem the grant managers highlighted was the “incompleteness” of the application kit. The streamlining approach, in which all participating programs' applications were combined in a single application kit of manageable size, meant that program descriptions and rules were presented in very summary fashion. As a result, some grant managers felt that the tribal partners were not as familiar with the requirements of the federal programs as they would have been had they used a usual, program-specific application kit. For example, rules for OJJDP's Tribal Youth Program allow tribes to apply for funding in four different areas, but a grantee may receive support for a particular area only once. The CIRCLE application kits neglected to include this fact, which limited the participating tribes' ability to plan appropriately; in the first year, some applied under all four areas at once, and had OJJDP funded them all, the tribes would not have qualified for second-year support.<sup>52</sup> The tribal partners' limited knowledge of program rules also prevented some of them from applying for the full amount of available funding.

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<sup>51</sup> The purpose of these review sessions is unclear to the evaluators. Since the application process is not competitive, discussion of meritorious programs was unnecessary. Since USDOJ had indicated that no application as a whole would be rejected, a “go - no go” discussion about each tribe's overall application was not needed. Finally, since revisions occurred at the individual grant level (as discussed in the text), discussions about how to resolve particular program funding issues should have been moot. It is possible that the meetings were used to discuss the tribes' comprehensive strategies or as a status check to determine whether the federal partners were adequately supporting the tribes in moving toward their goals, although why this would have occurred annually instead of on an ongoing basis is unclear. Federal comments on draft evaluation documents noted that two of these activities (resolution of individual programs' funding concerns and evaluation of the tribes' strategies) did occur during the review sessions. It should be noted that evaluator confusion about the review sessions arises in large part because the evaluation team's request to attend a review session was denied, based on fears that the team's presence would impede open discourse and that team members would not be content to be observers only. Thus, an important opportunity to observe how CIRCLE worked at the federal level and to assess the collaboration of the federal Project team was lost. In lieu of attendance, USDOJ did supply the evaluation team with redacted versions of the documents grant managers prepared for the review meetings. For the most part, these documents provided the grant managers' impressions of whether the applications met statutory guidelines. The only additional insight they offered into the review process is that the federal grantmaking partners may have used the sessions to scrutinize each other's CIRCLE spending, in order to push each other to achieve, to get the most “bang for the buck,” and to support innovation while remaining within grant guidelines. This sort of peer-to-peer support would have been valuable, but evaluators were unable to confirm its occurrence.

<sup>52</sup> Tribal Youth Program funds were available in fiscal years 1999 and 2000 only; see Appendix A.

USDOJ did attempt to ward off information problems arising from application kit space limits by providing grant managers with an early opportunity to explain their programs' rules to participating tribes. It held a meeting in Denver in July 1999 for exactly this purpose, which many federal grantmaking partners attended. Unfortunately, the most important audience for this meeting, the tribal Project coordinators, were not in attendance, as they had not yet been hired. For them, the only opportunities to learn USDOJ program rules occurred over time, through cluster meetings. This meant that much useful information reached the relevant tribal parties quite late in the game. For example, the Office of Victims of Crime presentation occurred at the Pine Ridge cluster meeting in May 2001, after two of the application kits already had been submitted. Absent opportunities to put full information in the *tribal coordinators'* hands early on, many OJP and COPS grant managers ended up spending significant time throughout the three years of CIRCLE explaining their program rules to individual tribal program partners and individual CIRCLE coordinators.

After the first application round, a number of federal partners expressed concern that the applications did not reflect "strategies" – that is, the application information did not describe how the programs would work together and complement one another in support of an overarching goal for the justice system. On the one hand, there was only so much the tribes could do about this, since the grant components participated in CIRCLE by choice and there was not a natural coherence between the various funding streams. On the other hand, the first application kit (1999) did not expressly encourage the tribes to think about links between the funding sources or about the way the funding fit with their strategies. Realizing this, the federal partners revised the 2000 application kit, making changes that they hoped would increase the tribes' emphasis on program linkages and strategy. For example, the 2000 kit included a "Problem Definition Worksheet" and a "Response Implementation Worksheet," which were intended to help the tribes define their specific problems and the strategic responses they would be making with CIRCLE funding. The federal partners also increased the time period allotted to application writing, thereby increasing the amount of time each tribe had to think about its strategy and write it into the application.<sup>53</sup>

Reflecting on the final application round in 2001, most federal interviewees concluded that despite initial challenges, the application, review, and funding process had evolved into one that worked well. It had become more transparent, better encouraged the tribes to think in terms of their overall strategy for reducing crime and violence, and generated more and more productive "back and forth" between the tribes and the federal partners on the applications. With time and practice in partnership, the process gave both the tribal and federal partners a better idea of what the tribes needed and what the CIRCLE funds could do to help.

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<sup>53</sup> Reflecting on this specific point, most federal interviewees felt that the changes had helped both the Pueblo of Zuni and the Northern Cheyenne Tribe improve their strategies. But the changes were less useful to OST, whose second application lacked strategic cohesion by comparison to the other tribes'. One reason was surely the federal funding freeze (discussed in detail in the OST process analysis), which stopped much of the OST CIRCLE Project's progress in its tracks. Politics may also have been in the way, as the second OST CIRCLE Coordinator in particular cited pressures from his political overseers as an impediment to getting his job done. More time and better forms simply could not outweigh the negative influences of these other factors on strategic planning.

## Monitoring

USDOJ used a variety of means to monitor the implementation of the CIRCLE grants. These included monitoring via the application and review process, mandatory regular progress and financial reports from the site coordinators, formal monitoring site visits, and grant manager attendance at technical assistance site visits and CIRCLE cluster conferences.

This combination provided for more intense monitoring of the CIRCLE Project than was usual for OJP and COPS. In particular, it was more intense than the monitoring to which they subject non-demonstration project grantees. For example, the site coordinators were required to submit extensive semi-annual progress reports that provided a fiscal update on the Project and covered each component program's progress on grant implementation. By contrast, federal interviewees noted that non-CIRCLE grantees generally submit one-page progress reports. The application also intensified the monitoring process. Despite being chosen for the CIRCLE Project, the participating tribes had to "re-apply" for funds each fiscal year. As noted above, the federal partners used the application and review process to keep close tabs on the tribes' work and verify that the tribes' activities met statutory guideline. If problems or questions arose, the CIRCLE coordinators were required to address them before any funds would be awarded. Thus, monitoring was an important and sometimes driving aspect of the application and review process.<sup>54</sup>

While USDOJ did not necessarily conduct more monitoring site visits *per se* with CIRCLE tribes, when viewed in combination with all the other forms of in-person contact between the tribal and federal partners, in-person monitoring was also more intense than usual. This imposed a significant burden on the site coordinators, who had to arrange and attend all of these (and other) sessions. In fiscal year 2001, for example, the site coordinators had to arrange and/or attend one federal monitoring site visit, two evaluation team site visits, two cluster conferences, and whatever technical assistance sessions were provided for their tribal partners through CIRCLE; many of these meetings and interactions also required follow-up by the site coordinator.<sup>55</sup> Some federal interviewees noted that they did not get as much out of USDOJ's "*en masse*" site visits as they would have liked, and that they preferred program-specific visits – even though this would have compressed the site coordinators' time to work on the Project itself still further and would have eliminated the grant managers' own opportunities gain an understanding of the ways their programs interacted with or complemented other programs (which is integral to a comprehensive project *and* could help them provide better service to the tribes).

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<sup>54</sup> One federal interviewee argued that longer semi-annual progress reports were important for a comprehensive project, since they helped the coordinators chart their progress and provided grant managers with adequate information to usefully engage with grantees about problems and hurdles. This was the stated purpose of the "strategic planning" sections of the annual applications as well. In other words, the CIRCLE coordinators were expected to chart strategic progress three times a year on paper, report on it at cluster conferences, and speak to federal officials about it during monitoring site visits. If not "intense scrutiny" as noted in the text, there is at least a degree of redundancy in these requirements.

<sup>55</sup> Fiscal year 2001 may have been the busiest year in terms of meetings, but only marginally. There were two cluster conferences in fiscal year 2001 (as opposed to one each in fiscal years 2000 and 2002) and two evaluation team site visits (as opposed to none in fiscal year 2000 and one in fiscal year 2002), but earlier years were marked by additional planning/start-up meetings with federal representatives and later years with additional technical assistance meetings, as requests began to be filled.

## Cluster Meetings

Four cluster meetings were held throughout the three years of CIRCLE funding at approximately six-month intervals. The meetings rotated between the tribal sites (Northern Cheyenne in April 2000, Zuni in December 2000, and Oglala Sioux in May 2001), with the final meeting being held in Washington, DC (in January 2002). The purpose of the meetings was to gather key CIRCLE players together for the exchange of information and ideas.

This general statement of purpose had many interpretations. The tribal and federal partners viewed the cluster conferences variously as:

- Opportunities for training on the requirements of the OJP and COPS funding available through CIRCLE
- Opportunities to inform tribal partners about additional funding opportunities available through USDOJ but not included in CIRCLE *per se* (such as technical assistance funding, MIS funding, code development funding, etc.)
- Opportunities for the federal partners to learn how CIRCLE was progressing at each site
- Opportunities to highlight the particular programs tribes were improving or developing through CIRCLE
- Opportunities for the federal partners to visit reservations and learn more about individual tribes
- Opportunities to include a broader pool of federal collaborators in the CIRCLE effort (such as the Indian Health Service, Bureau of Indian Affairs, Department of Housing and Urban Development, etc.)
- Opportunities for tribal peer-to-peer information-sharing, so that the coordinators and tribal program directors and staff could learn from each other

On reflection, the agendas of the cluster conferences appear to have been weighted more heavily toward the first five items on this list than the last two. One reason, as raised in the discussion above about agenda planning for the Northern Cheyenne meeting, is OJP's need to justify meeting expenses under their grants' statutory guidelines. While this concern is valid and supported the transfer of a significant amount of useful information to tribes (see below), it is nonetheless the tribes' perspective that the federal partners essentially controlled the cluster conference agendas – which not only limited the learning and collaboration the meetings could foster, but is also difficult to reconcile with the goals and guiding principles of CIRCLE (for example, that tribes would take the lead in problem-solving in their communities and that inter-tribal information sharing was valued).<sup>56</sup> While members of the CIRCLE cluster conference

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<sup>56</sup> A statistical example of this point is the fact that at the final cluster meeting, the agenda allowed tribal representatives to have the floor for, at most, 5.5 of the meeting's 16 hours.

subcommittee report substantial outreach in an effort to gain tribal input to the conference agendas, some federal partners nonetheless agreed in private interviews that they had not reached out adequately to the tribes to see what they wanted to get out of the meetings. On the flip side, tribal partners noted that it was difficult for them to imagine what a meeting agenda would look like that was useful to them *and* useful to the federal partners.

Substantively, each meeting was structured around a theme, and these themes were often important drivers of whether or not participants thought the meeting was a success. An even more accurate statement might be that a meeting's success depended on how a theme played out given what the grant managers were able to (statutorily) provide at the cluster meeting in support of the theme.

- *Northern Cheyenne, April 2000.* The theme of this cluster conference was “Comprehensive Strategy Development.” Lingering dissatisfaction with the way the agenda process had played out and difficulties with comprehensive strategy development training similar to those experienced at the kick-off meeting in Rapid City limited the usefulness of this meeting for many participants. On the other hand, the federal partners’ impression was that the applications did improve after this meeting.
- *Zuni, December 2000.* The theme of this cluster conference was “Technology.” OJP was able to provide substantial information about technology-related possibilities, including information about funding for assessments to determine technology needs. All partners agreed that technology held great promise for improving and coordinating CIRCLE programs, and tribal participants expressed eagerness to complete such assessments. Most viewed this meeting as quite successful, especially since as a result of the cluster presentations and discussions, the federal CIRCLE partners promised to help the tribes find resources to complete technology needs assessments.<sup>57</sup>
- *Oglala Sioux, May 2001.* The theme of this cluster conference was “Victim Services.” OVC presented more detailed information about their grant programs and the guidelines for use of funds, and several other USDOJ officials and grantees discussed their involvement with victims’ issues in Indian country. Some tribal partners felt that because this three-day meeting was so narrowly focused, it was too costly in terms of time and travel money (some even stayed away). But most of the federal partners were satisfied with the meeting, especially because they learned more about, and are now better able to support the work of, the Office of Victims of Crime.
- *Washington, DC, January 2002.* The theme this cluster conference was “Sustainability.” OJP asked staff, grantees, and representatives from other federal departments to present thoughts and information on sustainability (particularly

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<sup>57</sup> Evaluation was a secondary theme at this meeting. Both tribal and federal informants suggested that the activities and presentations of the evaluation team also boosted the meeting’s usefulness.

funding sources) to the tribes and allotted time for tribal representatives to discuss their thoughts on sustainability. This was an impressive return to the original Project goal of involving a broader circle of programs, agencies, and departments in the CIRCLE effort. At the same time, many tribal partners felt that these presentations did little to relieve their primary concerns, which were how to fund their coordinators after year three and whether USDOJ had any ongoing (post year three) commitment to CIRCLE. As the final cluster conference in the cycle, some tribal participants also were hoping for an opportunity to look back on the Project and talk about what they had accomplished. And, given the conference's location in Washington, DC, they thought that some of the higher-ranking policy officials who had long talked about CIRCLE might briefly attend; as it turned out, there was no official "meet and greet," and even many of the OJP partners were not in attendance.<sup>58</sup> The general sense among tribal partners and among some federal interviewees was that this final conference did not send people away on a high note.

#### **IV. The Role and Impact of Quasi-Partners and Non-Partners**

The official federal partners in the CIRCLE Project were the grantmaking units in OJP and COPS, which provided financial support, and the OJP American Indian and Alaska Native Desk, which provided Project development and coordination services. Of course, there were a variety of other supporters within USDOJ, which because of their non-financial role might best be called "quasi partners." This section highlights the critical role of two such unofficial partnering agencies, the Office of Tribal Justice and the Office of the U.S. Attorneys. It then turns to the fact that while the Project proposal memo suggested a broader range of collaboration, including collaboration with other federal Departments, this did not occur. The section closes by considering the impact of the lack of partnership with the BIA and IHS in particular.

##### **The Office of Tribal Justice**

The Office of Tribal Justice was created in 1995 to improve communication between USDOJ and Indian tribes. The Office functions as a point of contact and advocate within USDOJ for all tribes, a role that includes reviewing and commenting on legislation, policy, and litigation affecting the USDOJ-tribal relationship. In this capacity, OTJ played a large role in the development and implementation of CIRCLE. For example, after Attorney General Reno expressed an interest in improving the U.S. Department of Justice's support of Indian Country justice programs, OTJ visited tribes to discuss how USDOJ might best do this; these discussions influenced the creation of CIRCLE. Once the participant tribes were selected, the OTJ Director assigned an OTJ Deputy Director to each; the Deputy Director serves as a "primary point of contact" between the tribe and OTJ in order to promote access to and clear lines of communication with USDOJ. The assigned representatives spoke with and visited the tribal CIRCLE partners regularly and worked in partnership with the U.S. Attorneys serving the

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<sup>58</sup> It should be noted that the Principal Deputy Assistant Attorney General of OJP did attend the meeting and provided a statement at the outset about the important learning opportunities CIRCLE provides.

CIRCLE tribes. Through these efforts, OTJ deepened its knowledge of and relationships with all three participant tribes.

Many federal and some tribal interviewees reported that OTJ's involvement was critical to CIRCLE's development and successful implementation. Throughout the Project, OTJ worked with tribes and Department officials as problems developed (sometimes even before) and helped move things forward when they threatened to get stuck – whether this was because a “policy” person didn't understand certain realities of working on the ground in Indian country, because a tribe didn't understand why certain program rules applied, or because a grant manager desired guidance on the degree of flexibility allowed under the law. In sum, another project like CIRCLE would require the involvement of such advocates.

Reflecting on CIRCLE, OTJ representatives themselves believe that the Project has been an important step forward for the participating tribes and for USDOJ. The federal teamwork and streamlined grant process guaranteed the participating tribes significant funding for three years, which in turn gave them breathing room for working on fundamental tribal justice issues. The consolidated grant process educated the federal partners on tribes' government-to-government relationship with the U.S. and helped make USDOJ's commitment to that relationship real. Indeed, given these benefits, OTJ interviewees (as tribal advocates) expressed a desire for the teamwork, streamlined funding process, and federal-tribal relationship manifested in CIRCLE to be institutionalized. Yet they are realistic about the difficulty of change. Giving a larger number of Indian nations the attention that the CIRCLE tribes have received would require the strong support of USDOJ leadership, significant funding and staff increases among the grantmaking programs, and staff increases both at OTJ and at the OJP American Indian and Alaska Native Desk (which, from within OJP, performed functions complementary to those of OTJ).<sup>59</sup>

### **The U.S. Attorney's Office**

The role of the U.S. Attorney's Office (USAO) in CIRCLE varied from tribal site to tribal site and was particularly dependent on the relationship the tribe and the USAO had prior to CIRCLE:

- *Northern Cheyenne Tribe.* At the outset of the CIRCLE Project, the tribal liaison in the Montana USAO had extremely positive working relationships with the tribes in the state, and he saw CIRCLE as an opportunity to deepen that relationship with the Northern Cheyenne Tribe. During the early phases of CIRCLE implementation, he spoke frequently with the CIRCLE Coordinator about issues ranging from management to policy and provided assistance when necessary. This individual was later appointed Director of the Office of Tribal Justice, and continued his supportive role at Northern Cheyenne – not only because of his early connections to the Project there but also because the Assistant U.S. Attorney who replaced him as tribal liaison has not been as engaged with the Montana tribes.
- *Pueblo of Zuni.* The tribal liaison and tribal “point of contact” in the New Mexico U.S. Attorney's Office have been supportive of the Zuni CIRCLE Project, but not

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<sup>59</sup> Of course, the burden on grantmaking staff would be eased if USDOJ were able to shift to a block grant process.

engaged in its conceptual or day-to-day efforts. That is, the various individuals holding these positions<sup>60</sup> have never sat down with Zuni CIRCLE staff, tribal police, or tribal prosecutors to discuss the Pueblo's crime prevention and control challenges and priorities or how the USAO might work differently to assist the Pueblo in addressing those concerns. One important reason why is that the Assistant U.S. Attorneys who work with the New Mexico tribes reported uncertainty about what their role was with regard to CIRCLE. As one member of the Office noted, "The bottom line is that it would have been productive if the USAO's role had been clearly defined. And it would have been good if we could have had a line assistant who could have devoted a significant amount of time to the CIRCLE Project" (personal communication, May 2002). At this time, the Pueblo of Zuni remains interested in improving the relationship with the New Mexico USAO, especially because it hopes to improve the Office's prosecution rate of Zuni-generated federal cases. For its part, the New Mexico USAO reports that it is ready to assist, within the time and caseload constraints that it faces.

- *Oglala Sioux Tribe.* The South Dakota U.S. Attorney's Office has had a much rockier relationship with the Oglala Sioux Tribe, which extends back decades. Even if there are positive personal relationships between tribal staff and a U.S. Attorney, the culture and history of place make it difficult for the Oglala Sioux to interact with an institution (USAO-USDOJ) whose law enforcement branch is viewed as having treated the Tribe poorly (see, for example, Matthiessen 1992). For its size, the South Dakota USAO is also very busy, and since the tribal liaison position is in addition to (and does not replace) other work, the position directly competes with these other case responsibilities for available time; when CIRCLE came along, there was little to no extra time in the tribal liaison's schedule to commit to it. An Assistant U.S. Attorney was released to work on the application phase of CIRCLE, and another participated in an early CIRCLE pilot program to improve prosecution rates, but in later years, CIRCLE received only limited support from the South Dakota USAO.

Discussions with tribal partners indicated that strong relationships with the USAOs were a resource and ought to be seen as being as useful as grant funds. Including the USAOs in CIRCLE's work in a more deliberate manner would have allowed the participating tribes to think even more comprehensively about their approaches to crime and community safety, since the USAOs are responsible for prosecuting the most serious crime problems on reservations. Of course, the USAOs would have needed additional funding to make this work, since each site would have needed a U.S. Attorney who had the time to work with them. (Tribal liaison work is an additional task at in all the Offices, not just in South Dakota.)<sup>61</sup>

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<sup>60</sup> Three different individuals worked either as New Mexico USAO "tribal liaisons" or "points of contact" with the Pueblo of Zuni during the CIRCLE Project. These two positions correspond to slightly different roles within this USAO, but both had some involvement with CIRCLE.

<sup>61</sup> The point about time is also a point about presence. USAOs would be most effective if they were able to spend a significant amount of time in the tribal communities they serve, learning about each tribe's justice system, tribal

## The Limitations on a USDOJ-Only Project

As the discussion of the U.S. Attorneys' role suggests, the relatively small number of players at the table has challenged CIRCLE's ability to address crime, violence, and substance abuse in a comprehensive manner. In terms of the problems CIRCLE is trying to address at each tribal site, two critical "non-partners" are the U.S. Department of the Interior Bureau of Indian Affairs and the U.S. Department of Health and Human Services Indian Health Service. The former provides substantial funding for law enforcement in tribal communities and the latter funds a variety of justice-related health services, including substance abuse treatment and mental health care. The close linkage between these services is exemplified by the fact that many offenders also receive substance abuse treatment or mental health care from the tribe; that is, the tribal criminal justice and health systems have joint responsibility for these individuals. Additionally, data held by each organization are helpful to assessing change in the tribes' justice systems (for example, IHS or tribally contracted hospitals may collect data on assault-related emergency room visits).

Several examples from the participating tribes demonstrate how a more formal partnership with these entities at the federal level could have promoted better on-the-ground implementation of the CIRCLE strategies. In each case, better cooperation with the BIA or IHS might have increased the payoffs of USDOJ's investments.

- *COPS-funded vehicles.* Perhaps the most poignant example of the potential payoffs of cooperation between federal departments concerns COPS-funded vehicles. Each of the three CIRCLE tribes purchased police vehicles with their COPS funding, but only the Zuni Police Department was able to put the vehicles into service in a timely fashion. The problem was that COPS grants to tribal governments fund investment but not operating expenditures – the tribes could not use COPS grant funds for vehicle maintenance or insurance. Apparently, the assumption was that as governments, the tribes had tax bases or other government revenue streams that could be used to underwrite the operating costs of new police vehicles. Yet most tribes – these three tribes among them – have extremely limited sources of government revenue. Likewise, while the BIA funds maintenance and insurance costs under direct service or P.L. 93-638 contracts for "its" vehicles, its budgeting did not support the operating costs of COPS-funded vehicles. Thus, the tribal police departments and CIRCLE coordinators had to cast about for alternatives, a process that, in the absence of explicit cooperation with the BIA, required innovation and a certain amount of luck.

Zuni's solution was to negotiate early on with the Bureau of Indian Affairs. Prior to purchasing any vehicles, the coordinator approached the local BIA Superintendent and arranged a swap. Using COPS funds, the Pueblo would purchase several new and relatively economical police vehicles and place their maintenance and insurance under the Pueblo's P.L. 638 law enforcement contract. In exchange for this upkeep, the Pueblo would re-budget its remaining COPS

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citizens' and tribal government's expectations of federal prosecutors, and community priorities for law enforcement. Spending more time in tribal communities might also create the opportunity for reciprocal training – for example, the opportunity to provide a USAO perspective on what it takes (in terms of record-keeping, investigation, tribal police responsibilities, etc.) to ensure federal prosecution and to improve the chances of conviction.

funds for the purchase of computers, cameras, and additional uniforms, spending which was allowed under the grant and which would have otherwise been purchased under the 638 funding agreement.

This agreement was not common knowledge, for after many starts and stops, the Northern Cheyenne Tribe reached a completely different resolution of the problem. It agreed to lend the vehicles to its BIA-managed police department for the length of the COPS grant. At the end of the grant, the vehicles will be returned to the Tribe, and the BIA will no longer accept responsibility for their maintenance and insurance. This agreement was put into practice in March 2002, but at that point, the Tribes had owned the vehicles for nearly two years. In other words, this is a limited solution at best, and one that fails to maximize the usefulness of the COPS funds. Worse, during the many months the Tribe attempted to resolve the problem, no one at BIA or USDOJ was able to assist the coordinator with a solution; in particular, no one suggested that it might be possible to swap expenses, as the Pueblo of Zuni had done.<sup>62</sup>

The Oglala Sioux Tribes met similar obstacles in placing the vehicles on the road. While the parties at OST became aware of the possibility of a swap, there was resistance on both sides to this funding solution. This may have been due in part to the fact that the vehicles had already been purchased and there may have been little money left to organize an exchange of one type of spending for another. But there also appears to be serious competition between tribal entities and local BIA staff over Department of Public Safety Resources. Despite the fact that the Department operates under a P.L. 638 contract, the BIA keeps close tabs on it. For example, tribal interviewees noted that local BIA staff have actively looked for vehicle identification numbers to make sure that they are not financing any CIRCLE vehicles.

In sum, this example demonstrates the ease with which local BIA agencies can disrupt or support a CIRCLE strategy. Had Bureau agents received direction early on from the federal level about cooperation and about possible solutions to this problem – in other words, had they been real partners in the circle from the start – the COPS grant funds could have been put to even more productive use.

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<sup>62</sup> Of course, it is possible that had the Zuni solution been proposed by the Northern Cheyenne CIRCLE Coordinator, the BIA would have rejected it, since the Northern Cheyenne police department is BIA-managed whereas the Zuni department is operated by the tribe under a P.L. 93-638 contract. While this possibility cannot be discounted, supposing that it would have been the case misses the larger point: the police vehicle problem is an example not only of having too few partners at the table, *but also of the absence of critical intertribal communication*. Presumably, the cluster meetings could have been used for such communication, but their structure did not promote it. For example, coordinators were required to report on their progress at the cluster meetings, but were not provided opportunities to talk about how they solved problems. Indeed, the meetings never gave the CIRCLE coordinators an opportunity to sit down together in a small group and discuss the similar problems they faced and the solutions they were finding. One coordinator requested funding to visit the other sites and for the other coordinators visit his site for just such purposes, but funding was not forthcoming and the visits did not occur. Yet the list of similar problems that the tribes faced leave no doubt that such meetings, visits, and other opportunities for peer-to-peer communication would have helped the coordinators and improved their programs.

- *Correctional facility staffing.* Correctional facility staffing is a second example of this same problem. CPO provides funds for construction, but the tribes are expected to provide ongoing operating expenses. The largest such expense is staff, so the discussion is usually couched in those terms – the tribes have been concerned that they will build facilities that cannot be staffed because there is no money to pay for staff. If the BIA built a correctional facility, it would assume responsibility for operating it, but when CPO provides the investment, there is no guarantee that the BIA or tribe will have the budgetary flexibility to operate and maintain it. Absent BIA partnership (and IHS partnership – their funds could support detoxification and counseling staff, for example) in the CIRCLE Project, OST worked for a year to obtain a commitment from the Bureau, or from the Tribe’s Congressional delegation, that there would be staff and other operating funding for the facility. At the time of writing, the Tribe finally had received word that the BIA would provide such funding. Remarkably, neither the Pueblo of Zuni nor the Northern Cheyenne Tribe had the same lengthy struggle with the Bureau; in both of these cases, the BIA (and, for several positions, the IHS) much more readily agreed to take on responsibility for operating and maintaining the new facilities. Again, a federally brokered partnership between the U.S. Department of Justice, the U.S. Department of Interior (which houses the BIA), and the U.S. Department of Health and Human Services (which houses the IHS) might have led to a smoother resolution of this problem for OST (and, as noted in a footnote above, would have increased inter-tribal information-sharing opportunities).<sup>63, 64</sup>

While these points about the “non-partner impacts” on the CIRCLE program might be seen as a criticism of the Project’s design and implementation at the federal level, they also hold a silver lining: they demonstrate that the participant tribes understand the benefits in comprehensive action and that they are ready to take comprehensive planning to the next level and include a

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<sup>63</sup> To USDOJ’s credit, it appears that Project planners were aware from the beginning that BIA ought to be involved with CIRCLE at least with respect to the detention centers. During planning meetings, USDOJ noted the need to look into having the BIA on board in terms of detention staff, and the Bureau was invited to the Rapid City meeting in order to answer questions about the detention centers. Also, CPO saw a need to include the BIA and IHS in the needs assessments for the correctional facilities; their involvement was seen as a means of moving assessment past a simple bed count to the provision of information about how the correctional facility would help improve the tribes’ justice systems. Thus, the observation is not that USDOJ didn’t understand but, rather, that the Department perhaps did not do enough to advocate on CIRCLE’s behalf to other departments and gain their cooperation. While interviewees did not provide specific examples of what more USDOJ could have done, there are a variety of possibilities. With respect to BIA, for example, OTJ or OJP representatives might have had regular meetings with staff of the BIA Division of Law Enforcement Services and Division of Tribal Government Services, they might have invited the same staff to participate in the twice-monthly CIRCLE team meetings, they might have regularly included local agency and national-level BIA staff on cluster conference agendas, they might have met with local agency BIA representatives as a matter of course during monitoring site visits, they might have proposed “matching schemes” for BIA investment in the CIRCLE communities, and so on. As noted in the cross-site analysis, *legislation* supporting cross-departmental cooperation may have provided even more avenues for collaboration.

<sup>64</sup> There is an important lesson for the Department of Interior Bureau of Indian Affairs, the Department of Health and Human Services Indian Health Service, and other departments that work with Indian nations in these examples: partnership with other federal agencies can increase the resources on the table, improve the viability of projects, and potentially led to better outcomes. In other words, not just USDOJ, but other departments ought to strive to increase their collaboration around community justice and health projects in Indian Country.

broader circle of partners. Tribes see the interconnections between the problems and the funding streams that could help them solve the problems, and are pushing their partners in the U.S. Department of Justice to continue to help them along this path.

## **V. An Analytic Look at the U.S. Department of Justice's Work on CIRCLE**

### **Has CIRCLE Met Its Goals?**

Analysis of the process by which the U.S. Department of Justice developed and managed the CIRCLE Project provides substantial data with which to assess the Project's success vis-à-vis its goals. Of course, tribal process and outcome analyses will be necessary to make these determinations more fully, but the review contained in this paper provides an important start. The explicit and implicit goals for the CIRCLE Project are listed below; a discussion of progress made to date follows each goal.

*Goal: to accelerate and coordinate USDOJ programs and grants at CIRCLE demonstration sites to guide general implementation of the Indian Country Law Enforcement Initiative*<sup>65</sup>

In general, CIRCLE did succeed in accelerating the participating tribes' receipt of an overall set of program funds from the U.S. Department of Justice. Indeed, whatever else one may think of the tension between the "policy group" and "grant management" group that characterized early CIRCLE Project planning and development within USDOJ, this tension did result in a fairly expeditious movement of funds from the U.S. Department of Justice to Indian country. The only exceptions to the notion of acceleration were among the few tribal programs already receiving money from the OJP and COPS programs that cooperated to fund CIRCLE; in these cases, no "acceleration" was necessary.

But this is not to say that accelerated funding is always a good thing. The Northern Cheyenne Tribe and the Pueblo of Zuni were administratively prepared for the Department's fairly rapid grant award, but the Oglala Sioux Tribe was not. The Department's subsequent decision to freeze the Oglala Sioux Tribe's receipt of CIRCLE funds suggests that acceleration is desirable as long as a tribe's financial management infrastructure is adequate and accountable.<sup>66</sup> Furthermore, acceleration of funding forced the tribes to bypass early-stage assessment and follow-on strategic planning, which, as discussed in the cross-site analysis, has been detrimental to the Project overall.

CIRCLE also succeeded in the coordination of funding and, to a large extent, in the coordination of grant management, which produced benefits for the tribes. The Project achieved this coordination through the work of the USDOJ CIRCLE Committee, the use of inter-agency

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<sup>65</sup> As a reminder, the first three goals listed in this analysis ("to accelerate and coordinate..." "to promote the inter-tribal exchange..." and "to develop a comprehensive...") are taken directly from the proposal memo for CIRCLE written in October 1998. The second three goals ("to foster..." "to address..." and "to highlight the need...") are implicit and derived from interviews with USDOJ staff.

<sup>66</sup> We note here and elsewhere that one federal participant disagrees with this characterization of the funding freeze at the Oglala Sioux Tribe.

funding agreements for fiscal year 1999 and fiscal year 2000 (see Appendix), the appointment of lead grant manager, the creation of a common application kit, and the creation of coordinator positions at the tribal sites. As a result of federal funding coordination, OJP and COPS were able to guarantee that the tribes participating in CIRCLE would receive funds from a particular set of grant programs and would not have to attempt this coordination themselves. In other words, the tribes were released from at least some time-consuming “grant search” tasks. To the extent that the CIRCLE Project lead grant manager and tribal coordinators were able to resolve problems and answer questions for the individual tribal programs and participating federal grant managers (that is, coordinate grant management), CIRCLE may have produced additional time savings for the tribal partners.

Even so, the history presented above suggests that coordination was not always comfortable for the federal partners or for the tribal partners. Indeed, as CIRCLE progressed, instead of working through the Project coordinators and lead grant manager, the tribal program directors and federal grant managers tended to fall into a more traditional relationship, bypassing the lead grant manager. While this may have been an easier solution in the short run than full coordination, it fails to recognize that a single point of contact is the structure USDOJ ultimately must adopt if it continues to move away from categorical funding and toward pooled resources. Indeed, the tensions surrounding this “extra layer of bureaucracy” arise only because of the interim nature of CIRCLE, where statutory requirements on categorical funding (and six different Offices and Bureaus) remain within a more comprehensive model.

The message here is that coordination is important, and that USDOJ (and especially the Offices and Bureaus that participated in CIRCLE) should not pull back from it. Indeed, the participating tribes have called for increased coordination of funding streams within USDOJ and beyond, recognizing that enhanced federal-level coordination would provide even better support to their attempts at coordination on the ground (for example, better coordination between the BIA Division of Law Enforcement Services and the COPS Office would have supported better integration of COPS-funded officers and equipment into tribal police agencies).

*Goal: to promote the inter-tribal exchange of ideas and experiences in law enforcement, community development, and federal-tribal relations*

Cluster meetings were the right first step toward achieving this goal. They were a deliberate attempt to bring together tribal-level change agents, program directors, and leaders who were working on similar issues and striving toward related goals.

As the discussion above highlights, however, they were not used to their fullest potential. Giving participant tribes a freer hand in helping plan the meetings would ensure their greater relevance to tribal partners. Problems of the sort that arose during the planning process for the Northern Cheyenne cluster conference could be avoided (or at least mitigated) if USDOJ staff spoke with a more unified voice, were explicit from the start about the kinds of activities that could and could not be funded, and had assurance from all parties that the guidelines were mutually understood<sup>67</sup>; tribal partners are savvy enough and creative enough to work within these

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<sup>67</sup> We note that the federal partners report having tried to inform the tribal partners of such limitations; our recommendation is that a still more explicit explanation is provided in the future, and that it is mutually understood.

constraints. Alternatively, with adequate lead-time, the tribal partners could work to gain non-federal funding (tribal funds, foundation funds, private donations) to support more innovative and productive cluster meetings.

It must also be noted that cluster meetings are not the only mechanism for promoting inter-tribal exchange of ideas. The coordinators and program partners could have visited each other, and thus learned from each other in a hands-on way; such exchanges are common in municipal government, for example. The federal partners also could have actively (and costlessly) encouraged the tribal partners to seek advice from one another. “Have you talked to your counterpart at Oglala Sioux/Northern Cheyenne/Zuni about that?” should have been a common question posed by the federal partners to the tribes.<sup>68</sup> Of course, there are many other possibilities for peer-to-peer learning and inter-tribal exchange; additional ideas and discussion are presented in the preceding paper (the cross-site analysis).

*Goal: to develop a comprehensive planning and development process for safe and healthy tribal communities*

and,

*Goal: to foster true strategic planning and to increase the partnership between tribes and USDOJ*

These related goals link comprehensive and strategic planning to two very different but desirable outcomes – safer communities and improved government-to-government relations. While progress has not been linear and outcomes data to lend credibility to the first point is not yet available, several factors suggest that CIRCLE has facilitated both the short-term means and longer-term outcomes expressed in these goals.

The tribes’ CIRCLE Project applications are one piece of evidence that CIRCLE assists tribes with comprehensive and strategic planning. Especially for years two and three, the application process served as a tool and opportunity for strategic planning, and the applications that emerged for Northern Cheyenne and Zuni in 2000, and all three tribes in 2001, reflected significant improvement in the development of strategic and comprehensive plans.

USDOJ also took other steps to promote comprehensive and strategic planning. For one, it recruited a fairly diverse set of programs to the CIRCLE Project, so that tribes could develop multi-disciplinary responses to their crime and justice problems. Additionally, it provided strategic planning training sessions at both the kick-off meeting in Rapid City and at the Northern Cheyenne cluster conference. While tribes expressed a degree of dissatisfaction with both trainings, the second one in particular appeared to contribute to improved year two CIRCLE applications.

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<sup>68</sup> This is not to say that *no* inter-tribal information exchange of this sort occurred. Federal personnel have provided a few examples of the inter-tribal exchange of ideas, and VAWO supported at least one visit by a tribal program partner to another CIRCLE site. Yet tribal reports suggest that this sort of advice and action was uncommon. Thus, we emphasize the point that it should not have been.

On the other hand, USDOJ did not do as much as it could have to develop and foster sound planning processes. As the grants management-oriented personnel pointed out early in CIRCLE's development, goal one (accelerated funding) is itself a barrier to improved planning: good strategic and comprehensive planning takes time. In general, sound planning processes also require site-specific, problem-targeted technical assistance, especially in the form of baseline assessment, which was not really part of the CIRCLE Project.<sup>69</sup> And, by allowing the tendency noted above – in which grant managers and tribal program directors reverted to more traditional grantor-grantee relationships as time went along – CIRCLE undermined its own promotion of comprehensive planning. Apparently, the process of grant coordination offered too few opportunities and resources for system-based thinking, which limited grant managers' incentive to support tribes' work on strategic, comprehensive plans. These obstacles to strategic planning and comprehensive program development placed limits on how far USDOJ was able to go toward meeting its goals.

In terms of outcomes, it is still too early to assess whether CIRCLE has improved the safety and health of the tribal communities in which it was implemented. The data presented above do speak to one aspect of improved community safety and health, however. By providing funding from a diverse range of grant programs, CIRCLE enables tribal communities to implement many different kinds of programs to address crime, justice, safety, and community health issues. As a result of CIRCLE, tribes have variously and among other things: strengthened their law enforcement data generation capacities (which help them better identify and act upon trouble spots and repeat offenders); provided safe places for youth to hang out, interact, and play (so that they are less inclined to turn to negative social behaviors such as drugs, alcohol, and crime); and created probation services (which provide increased linkages between actions and consequences and, thus, help deter crime). The plan is to know more about how CIRCLE's component programs and tribal strategies are working at the conclusion of Phase II of the evaluation.

Much more can be said about CIRCLE's effects on federal-tribal relations. Considering the federal viewpoint first, interviews suggested that most federal CIRCLE partners are dedicated to working on a government-to-government basis with tribes.<sup>70</sup> Indeed, several interviewees noted that their involvement with CIRCLE has motivated them to maintain or even increase their involvement with tribal communities once the Project concludes. For the grantmaking partners to CIRCLE – that is, for the grant managers in OJP and COPS – the *nature* of their interaction with tribes provides the best evidence of increased federal-tribal partnership and improved government-to-government relations. Many supported improved government-to-government (institutional) relationships through the development of positive personal relationships with the tribal coordinators and other tribal partners; the tribes reported noticing this difference, noting, “When we call, they [OJP and COPS grantmakers] call back.” This was a much harder and more significant step for grantmaking staff than it might initially appear, as the ethic in their Offices

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<sup>69</sup> Some technology and law enforcement needs assessments did occur, but fairly late in the game; for example, for one of the tribes, fall 2002 was the estimated completion date of a COPS law enforcement equipment needs assessment.

<sup>70</sup> In other words, the interviewees did not simply seem to be reiterating express USDOJ policy; rather, they discussed the relationship in terms that showed they understood its difficulties and possibilities.

overall is to *not* get involved with grantees; positive personal relationships are presumed to lead to advocacy and a loss of objectivity over grantmaking.

However, other information from tribes suggests that CIRCLE's impact on federal-tribal partnership was not uniformly positive. Especially because statutory limitations and other funding constraints prevented the federal grantmakers from undertaking action that would have been unambiguously supportive of the government-to-government relationship (for example, supporting greater community involvement at Oglala Sioux, letting the tribes have greater control over the cluster conference planning process, supporting ongoing strategic planning), federal partners sometimes appeared unsupportive of greater tribal-federal partnership. This problem draws renewed attention to a point made in the cross-site analysis – that the next step should not be to retreat from comprehensive programs and return to purely categorical support, but to continue to push forward toward pooled funding, waivers on statutory requirements, and substantial support for assessment and planning.

While the federal partners' communication with the tribes was improved through CIRCLE, and as noted above, this improvement supported the sense of partnership, visible breakdowns in communication undermined that sense. The Corrections Program Office's failure to ensure that the relevant parties at OST (not just the tribal President) knew that the Tribe would not be receiving fiscal year 2002 corrections construction funds is an example.<sup>71</sup> The breakdown in communication has weakened the partnership as much (if not more) than the policy decision to not guarantee funds.<sup>72</sup>

With regard to the connection between strategic planning and federal-tribal partnership in particular, both federal and tribal commentators suggested that CIRCLE's short time horizons and relatively limited investments in strategic planning stood in the way of a long-term sense of partnership. A government-to-government relationship isn't "here today and gone tomorrow," and real partnership arises when the tribes sense that the federal government is working with them over the long haul. Critically, substantial funding transfers are not the only indicator of a positive long-term relationship; personnel availability, technical assistance, support for assessment or other planning efforts, and institutionalized training within USDOJ on Native issues are other means of helping tribes feel that the partnership is lasting.

Considering all these points in balance, it appears that CIRCLE has improved tribal-federal partnerships and promoted government-to-government relationships. But without some sort of institutionalization and internalization of the learning and knowledge gained from CIRCLE (such as Departmental training in Indian affairs) and without efforts to effect policy changes that can keep the tribes and the federal government focused on their partnership (such as ongoing collaboration by grantmakers or block grants), these positive changes may prove ephemeral.

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<sup>71</sup> As discussed in the OST chapter, CPO did send letters in February and April 2001 to the OST President that obliquely and then directly advised the Tribe that progress was too slow to warrant the award of third-year funds. But tribal representatives, including the OST CIRCLE Project Coordinator and Corrections Project Manager, who traveled to Washington, DC in August 2001 to discuss progress on the OST corrections center, were unaware of the letters and, thus, unaware of CPO's decision.

<sup>72</sup> OST remains eligible for competitive funding from CPO for construction of a new detention facility.

*Goal: to address (or at least draw attention to) the baseline roadblock that tribes have in developing comprehensive programs – serious gaps in their criminal justice systems*

While it is not clear that this understanding has broadly permeated USDOJ, or even OJP and COPS, the six Offices and Bureaus collaborating on CIRCLE Project funding were forced, time and again, to recognize the limitations on action posed by system gaps. For example, increasing the size of the police force has a limited impact on law enforcement if there are too few prosecutors, judges, jail spaces, and/or probation officers to make police officers' citations have bite.

Given that they faced these problems, the federal partners also worked with the tribal partners to fill the gaps. With reference to the example above, CIRCLE Project funding paid not only for more police officers but also for court process servers, court development to decrease caseloads and track offenders, and probation officers and services, and will eventually provide increased detention space.

*Goal: to highlight the need for additional and more consistent resources for tribal law enforcement projects (and to remedy the problem, at least for a little while, for the three participating tribes)*

Again, this understanding is held and shared by the core federal partners (the OJP and COPS grant managers who funded CIRCLE) and by a number of other Offices and individuals within USDOJ (for example, the Office of the American Indian and Alaska Native Desk in OJP and the Office of Tribal Justice), but may not be widely shared across other grant and policy makers in the Department.

In terms of the actual flow of resources, it is worth underlining that because the CIRCLE Project simply accelerated existing grant funds but did not commit new USDOJ funds to Indian country, CIRCLE did not increase the resources of tribes (although it may have redistributed them). In other words, these funds would have been spent on programs in Indian country (although perhaps not at these tribal sites) even in the absence of CIRCLE. It is not even necessarily the case that CIRCLE tribes received *more* funding than non-CIRCLE partners; a successful tribal grant-seeker might have been able to stitch together an equally impressive package and not have been subject to the same intense scrutiny. In at least one case, CIRCLE tribes received less funding than non-CIRCLE tribes – non-CIRCLE tribes receive TYP funding based on population, but the CIRCLE tribes received a set amount, which, because they were all relatively populous tribes, was smaller than what they would have received through the traditional grant process.

For the three years of CIRCLE, it seems clear that the Pueblo of Zuni and the Northern Cheyenne Tribe (neither of which experienced a CIRCLE funding freeze or uncertainty around the third year of corrections construction funding, as did the Oglala Sioux Tribe) did receive funding from USDOJ in a more consistent manner than they would have without CIRCLE. Again, it was the guarantee of funds from the federal partners that generated this consistency. When looking beyond the three years of Project funding, however, the guarantee is gone and any strong sense of “consistency” in funding is probably gone too. Yet a weaker version of “more

consistent funding” does result from CIRCLE in the medium run: the federal partners are now much better informed about each other’s programs and can better direct tribal applicants to appropriate and additional funding sources when questions arise. Of course, this benefit lasts only as long as the personnel involved with CIRCLE remain and the current grant program structure lasts.

### **Conclusion: Progress and Productive Tension**

In every instance, evidence from this review of the federal government’s involvement with the CIRCLE Project suggests that the Project helped USDOJ move in the direction of its goals. Sometimes the movement was not very far, but it was progress nonetheless. Sometimes the progress resulted in the face of difficult tensions – between “policymakers” and “grantmakers,” between the tribes and USDOJ, and perhaps even among the grantmakers themselves. But the progress suggests that the tension was productive, and with that result, USDOJ ought to think seriously about how to build on and move forward from the CIRCLE Project. Likewise, the Department’s overseers within Congress and the Executive Branch ought to recognize the importance of the progress made through CIRCLE and provide USDOJ with opportunities and incentives to expand upon the effort – through, for example, legislative directives, revisions in program goals, authorizing legislation, direct appropriations, and Executive orders. The cross-site analysis, presented in the previous chapter, offers additional, specific advice on the way forward.

## Chapter Appendix: CIRCLE Budgets for Fiscal Years 1999-2001

Six Offices/Bureaus within the U.S. Department of Justice contributed to the nine grant programs that comprised CIRCLE. The specific Offices/Bureaus, grant programs, and their acronyms are:

- The Office of Community Oriented Policing Services (COPS) grant program
- The Office of Victims of Crime Children’s Justice Act (OVC-CJA) grant program
- The Office of Victims of Crime Victim Assistance in Indian Country (OVC-VAIC) grant program
- The Bureau of Justice Assistance grant for the CIRCLE coordinator position (BJA-Coordinator)
- The Bureau of Justice Assistance Tribal Court Program (BJA-TCP)
- The Office of Juvenile Justice and Delinquency Prevention Tribal Youth Program (OJJDP-TYP)
- The Office of Juvenile Justice and Delinquency Prevention Volunteers for Tribal Youth Program (OJJDP-VYTP)
- The Violence Against Women Office (VAWO) grant program
- The Corrections Program Office (CPO) grant program

In the first two years of CIRCLE, the Offices/Bureaus engaged in an Inter-Agency Agreement (IAA) to transfer funds from their individual budgets to the CIRCLE budget; funds were disbursed from this budget as tribes’ applications were approved. In 2001, the third and final year of CIRCLE funding, the application process was accelerated and the total funding levels were determined after the applications were received. The charts below reflect these funding arrangements and indicate only one instance in which the Project committed more money to tribal programs than was available in the IAA; VAWO funds were overspent by \$50 in fiscal year 2000. This negative and all the positives (instances in which the tribes did not apply for all of the funds available) carried over to the subsequent year of CIRCLE funding.

The “N/A” entries in the CPO row of Tables A1, A3, and A4 reflect the fact that CPO did not have a specific amount targeted at CIRCLE for fiscal year 1999 or 2000. CPO’s only constraint was its overall budget of \$34 million for *all* its Indian Country projects. The “N/A” entries in the CPO row of Tables A2 and A5 reflect the fact that CPO only guaranteed funding for the first two years of CIRCLE; any further funding was related to a Tribe’s progress. The “N/A” entries in the OJJDP rows of Tables A1, A2, A4, and A5 reflect the fact that the VTYP and TYP committed, respectively, to only one and two years of CIRCLE funding (although for 36-month budgets). The “N/A” entries in the final column of Table A5 reflect the absence of an IAA in fiscal year 2001.

In total, the tribes participating in CIRCLE received more than \$30 million over three years to improve their justice systems. Table A2 lists the actual amounts awarded by program by fiscal

year. Tables A3-A5 show the actual amounts awarded by tribe by fiscal year. In brief, the Oglala Sioux Tribe received \$11.6 million, the Northern Cheyenne Tribe received \$10.2 million, and the Pueblo of Zuni received \$8.5 million.

**Table A1: Inter-Agency Funding Amounts, By Year and Program**

<b>Program</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001*</b>	<b>Total by Program</b>
COPS	\$7,317,695	\$2,600,000	\$0	\$9,917,695
OVC (CJA)	\$218,000	\$218,000	\$0	\$436,000
OVC (VAIC)	\$210,000	\$210,000	\$0	\$420,000
BJA (Coordinator)	\$150,000	\$150,000	\$0	\$300,000
BJA (Courts)	\$300,000	\$300,000	\$0	\$600,000
OJJDP (TYP)	\$600,000	\$600,000	\$0	\$1,200,000
OJJDP (VTYP)	\$330,000	N/A	\$0	\$330,000
VAWO	\$150,000	\$149,950	\$0	\$299,950
CPO	N/A	N/A	\$0	N/A
<b>Total by Year</b>	<b>\$9,275,695</b>	<b>\$4,227,950</b>	<b>\$3,559,394</b>	<b>\$13,503,645</b>

\* As noted in the text, there was no inter-agency funding agreement in fiscal year 2001. In that year, all funds for CIRCLE were distributed directly to tribes, rather than through an IAA.

**Table A2: Actual Amounts Awarded, By Year and Program**

<b>Program</b>	<b>FY 1999</b>	<b>FY 2000</b>	<b>FY 2001</b>	<b>Total by Program</b>
COPS	\$7,317,695	\$2,537,052	\$1,999,922	\$11,854,669
OVC (CJA)	\$203,336	\$215,650	\$213,832	\$632,818
OVC (VAIC)	\$182,000	\$203,100	\$306,063	\$691,163
BJA (Coordinator)	\$149,994	\$150,000	\$150,000	\$449,994
BJA (Courts)	\$300,000	\$295,000	\$739,577	\$1,334,577
OJJDP (TYP)	\$600,000	\$574,540	N/A	\$1,174,540
OJJDP (VTYP)	\$330,000	N/A	N/A	\$330,000
VAWO	\$148,330	\$150,000	\$150,000	\$448,330
CPO	\$7,144,288	\$6,320,363	N/A	\$13,464,651
<b>Total by Year</b>	<b>\$16,375,643</b>	<b>\$10,445,705</b>	<b>\$3,559,394</b>	<b>\$30,380,742</b>

**Table A3: Funding Amounts in FY 1999, By Tribe and Program**

<b>Program</b>	<b>IAA</b>	<b>OST</b>	<b>POZ</b>	<b>NCT</b>	<b>Total by Program</b>	<b>IAA \$ minus Actual \$</b>
COPS	\$7,317,695	\$5,609,611	\$1,119,645	\$588,439	\$7,317,695	\$0
OVC (CJA)	\$218,000	\$53,960	\$54,759	\$94,617	\$203,336	\$14,664
OVC (VAIC)	\$210,000	\$81,000	\$41,000	\$60,000	\$182,000	\$28,000
BJA (Coordinator)	\$150,000	\$50,000	\$49,994	\$50,000	\$149,994	\$6
BJA (Courts)	\$300,000	\$100,000	\$100,000	\$100,000	\$300,000	\$0
OJJDP (TYP)	\$600,000	\$200,000	\$200,000	\$200,000	\$600,000	\$0
OJJDP (VTYP)	\$330,000	\$110,000	\$110,000	\$110,000	\$330,000	\$0
VAWO	\$150,000	\$48,380	\$49,950	\$50,000	\$148,330	\$1,670
CPO	N/A	\$1,327,659	\$2,334,000	\$3,482,629	\$7,144,288	N/A
<b>Total by Year</b>	<b>\$9,275,695</b>	<b>\$7,580,610</b>	<b>\$4,059,348</b>	<b>\$4,735,685</b>	<b>\$16,375,643</b>	

**Table A4: Funding Amounts in FY 2000, By Tribe and Program**

<b>Program</b>	<b>IAA</b>	<b>OST</b>	<b>POZ</b>	<b>NCT</b>	<b>Total by Program</b>	<b>IAA \$ minus Actual \$</b>
COPS	\$2,600,000	\$1,645,874	\$681,549	\$209,629	\$2,537,052	\$62,948
OVC (CJA)	\$218,000	\$61,832	\$54,000	\$99,818	\$215,650	\$2,350
OVC (VAIC)	\$210,000	\$89,100	\$54,000	\$60,000	\$203,100	\$6,900
BJA (Coordinator)	\$150,000	\$50,000	\$50,000	\$50,000	\$150,000	\$0
BJA (Courts)	\$300,000	\$95,000	\$100,000	\$100,000	\$295,000	\$5,000
OJJDP (TYP)	\$600,000	\$199,990	\$174,550	\$200,000	\$574,540	\$25,460
OJJDP (VTYP)	N/A	N/A	N/A	N/A	N/A	N/A
VAWO	\$149,950	\$50,000	\$50,000	\$50,000	\$150,000	-\$50
CPO	N/A	\$0	\$2,339,454	\$3,980,909	\$6,320,363	N/A
<b>Total by Year</b>	<b>\$4,227,950</b>	<b>\$2,191,796</b>	<b>\$3,503,553</b>	<b>\$4,750,356</b>	<b>\$10,445,705</b>	

**Table A5: Funding Amounts in FY 2001, By Tribe and Program**

<b>Program</b>	<b>IAA</b>	<b>OST</b>	<b>POZ</b>	<b>NCT</b>	<b>Total by Program</b>	<b>IAA \$ minus Actual \$</b>
COPS	\$0	\$1,131,273	\$531,693	\$336,956	\$1,999,922	N/A
OVC (CJA)	\$0	\$61,832	\$54,000	\$98,000	\$213,832	N/A
OVC (VAIC)	\$0	\$147,063	\$99,000	\$60,000	\$306,063	N/A
BJA (Coordinator)	\$0	\$50,000	\$50,000	\$50,000	\$150,000	N/A
BJA (Courts)	\$0	\$400,000	\$219,577	\$120,000	\$739,577	N/A
OJJDP (TYP)	\$0	N/A	N/A	N/A	N/A	N/A
OJJDP (VTYP)	\$0	N/A	N/A	N/A	N/A	N/A
VAWO	\$0	\$50,000	\$50,000	\$50,000	\$150,000	N/A
CPO	N/A	\$0	N/A	N/A	N/A	N/A
<b>Total by Year</b>	<b>\$0</b>	<b>\$1,840,168</b>	<b>\$1,004,270</b>	<b>\$714,956</b>	<b>\$3,559,394</b>	

# **Evaluation Support for the Pueblo of Zuni CIRCLE Project**

## **Introduction**

This report does not provide a detailed analytic account of the early design and implementation of the U.S. Department of Justice's Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) initiative at the Pueblo of Zuni. In keeping with the guiding principles of a participatory evaluation, the evaluation team worked with the Zuni leadership group to identify their priorities for this phase of the work. As a result of these discussions, we used our early site visits to gain a basic but clear understanding of the design of the initiative and considerable time during subsequent site visits to construct a theory of change or logic model, which we describe in the attachments to this report. These attachments also include a calendar describing progress to date and highlights of a preliminary evaluation plan for Phase II of this effort.

## **I. The Context**

The Pueblo of Zuni is located approximately 120 miles west of Albuquerque in western New Mexico. The setting is beautiful; the semi-arid climate and high elevation provide for stunning vistas and blue skies almost every day of the year. There are approximately 10,000 enrolled tribal members on the reservation and a total of just over 11,000 residents. The tribe is considered a “young” tribe with over a third of the residents between the ages of 6 and 20.

The reservation is relatively large; at approximately 638 square miles it occupies an area nearly the size of Rhode Island. Most residents live in or near the Zuni community, clustered in somewhat densely populated villages. Tribal culture is especially strong and native language use is quite high (over 95%). Tribal government and politics are relatively stable when compared to the other sites in this initiative and to Indian country overall. This has created a fairly secure environment for the ambitious “system change” agenda pursued by the Zuni steering group.

The Zuni are not a gaming tribe, nor are they considered to have a robust economic base. Unemployment is high (over 65%). Family income is far below national averages at around \$7,000 per household (but note that the per capita income for residents of New Mexico is among the lowest in the nation). Substantially over half the children residing on the reservation live in poverty; 100% qualify for the federal free lunch program.

## **II. The Development of CIRCLE at the Pueblo of Zuni**

Hayes Lewis, formerly the Development Director at the Tribal Office of Planning and Development, is responsible for the early development of the Pueblo of Zuni CIRCLE initiative. His leadership in combination with the Pueblo's relative political stability, progressive thinking about system change, and strong departmental leadership were critical to this formative stage.

Mr. Lewis authored the basic design of the initiative. He prepared the first and second CIRCLE applications, the second with the participation of Tyler Lastiyano, the Zuni CIRCLE Project Coordinator. Through the time of this report, Mr. Lewis continued to play an important but informal role in the development of the initiative. The continuing growth and development of the initiative is the product of a gradually widening core leadership group, most especially Mr. Lastiyano and a relatively small group of key department heads and tribal leaders. This group includes the Chief of Police and the Tribal Judge (both of which attended the first cluster meeting and have been involved in CIRCLE since its inception).<sup>73</sup>

The basic design of the initiative has not changed in any major way during its development. This is a positive attribute – it means that the authors of the initiative outlined an approach capable of weathering significant challenges (the Zuni CIRCLE Project has faced both political and fiscal challenges). The initiative also has benefited from the participation of talented management able to draw on a variety of internal and external resources necessary to its continued growth and development. There are a number of important components in the overall approach, but perhaps the three most critical are the following:

- A clearly designed logic model that links investments in program development and system functioning to the key outcomes the tribe seeks (that is, those related to “breaking the cycle of violence” at Zuni)
- Particular attention to the development and strengthening of system functioning through investment in a management information system, the development of interagency protocols, and the coordinator’s role
- A focus on strengthening core institutions, including the police department, corrections (most especially correctional facilities), youth services, and the nexus of agencies and facilities focused on reducing family violence

### **III. The Zuni CIRCLE Project Logic Model (or Theory of Change): Linking Core Outcomes to Programmatic Initiatives**

#### **Getting Started on Identifying Measurable Outcomes**

As noted, the CIRCLE initiative at Zuni has been carefully framed as an effort to break the cycle of violence. The basic strategy for moving toward this goal includes both programmatic and agency-change efforts. The hope is that these efforts to break the cycle of violence will result in a variety of specific outcomes, which are described in more refined detail in three attached charts

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<sup>73</sup> Originally, the Pueblo of Zuni established a Governing Board for the management and oversight of the CIRCLE Project. This has since been designated as the CIRCLE Tribal Support Team. The following individuals (listed along with the offices which they represented) have participated on the Tribal Support Team: Tyler Lastiyano, Tribal Coordinator; Hayes A. Lewis, Development Director, Office of Planning and Development; Shirley Bellson, Tribal Administrator; Lt. Governor Barton Martza; Head Councilman Eldred Bowekaty; Syverson Homer, Captain of the Zuni Police Department; Judge Albert Banteah, Zuni Tribal Courts; Rebecca Quam, Acting Director of Social Services; Jerome Haskie, Department Head of Public Safety; and Verona Yamutewa, Acting Program Director of the Shelter and Zuni Violence Against Women Programs. Participation on the Team is based on departmental relevance to CIRCLE initiative or leadership.

(briefly introduced below). The CIRCLE steering group at Zuni will “know” their strategy has been successful if the following occurs:

- Reports of domestic violence increase in the short term, while incidents of domestic violence decrease in the long term
- Reports of child abuse and neglect increase in the short term, while incidents of child abuse and neglect decrease in the long term
- Juvenile crime decreases over time, with a possible near-term increase
- Alcohol abuse decreases over time, with a possible near-term increase
- Repeat offending for selected indicator crimes decreases over time

(These “indicators” will be particularly valuable for demonstrating improved system functioning. They will provide answers to questions such as: once offenders come to the attention of the system, does the justice system function sufficiently well – in terms of social services, punishment, and related correctional activities – that the likelihood of repeat offending is reduced? To begin with, the tribe will look for increasing periods between initial offenses and re-offending. If, for example, the “typical” or average time between DUI arrests is 3 months, the goal will be to extend that to 4-6 months.)

- A vast reduction in “families that fall through the cracks,” or cases that fail to receive appropriate/adequate services

(For example, if a woman seeks protection from an abusive spouse through a restraining order, are the terms of the order followed up on appropriately and are adequate shelter and services provided? The CIRCLE team at Zuni will use periodic case audits to determine how well the system functions for the individuals and families that come to its attention.<sup>74</sup>)

### **Building the Logic Model**

An important objective of our work with the Tribal Coordinator and other members of the steering committee at Zuni was to match these outcomes with programmatic activities and strategies – the underlying question being whether or not the initiative’s managers could reasonably expect progress on these outcomes given the investments they have made in system building, program development, and improved agency performance. The steering group – in particular the CIRCLE Coordinator – identified the specific efforts linked to the above outcomes. There is considerable (intentional) overlap in these lists.

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<sup>74</sup> The third evaluation site visit to Zuni included a review of potential tools for auditing system functioning and early work on modifying those tools to “fit” the goals of the Zuni CIRCLE Project and the Pueblo’s cultural and demographic context. The remainder of this work will be completed in Phase II of the evaluation.

### **System Building**

- The development of Full Court as a management information system that links each component in the overall criminal justice system (police, courts, corrections, social service partners)
- An increased commitment to community policing, which increases the police department's focus on working in partnership with other government agencies, community-based agencies, and the public
- The creation of new positions, which have both specific agency functions and "system" functions (examples are the domestic violence or victims advocate position and the children's services position)
- The development of interagency protocols for certain classes of offenses and cases (domestic violence, abuse and neglect), with these protocols sometimes linked to Full Court
- The development of key infrastructure components of the justice system, including correctional facilities and a domestic violence shelter

### **Improving Individual Agency Performance**

- The use of Full Court as a means of enhancing individual agency performance by improving case processing (the initial effect will be on courts and probation)
- The creation of new services for at-risk youth (a youth center, with associated staff and programming)
- The creation of new services and shelter facilities for victims of domestic violence
- The creation of new services for responding to child abuse and neglect
- An increase in the number of police officers and an increased commitment to community policing
- The construction of a new corrections facility, with appropriate programming

### **The Logic Model and Phase II Preliminary Evaluation Plan Descriptions.**

The *key products* requested by the Zuni CIRCLE team are the attached charts, which assemble the components described above into a coherent logic model (or theory of change) and evaluation framework for the ongoing efforts at Zuni. The following specific documents are attached:

- Chart I: Linking Programs and Strategies to Goals/Results
- Chart II: Linking Goals/Results to Measurable Indicators

- Chart III: Key Dates in the Zuni CIRCLE Evaluation Calendar

#### **IV. Discussion of System Change Efforts**

The key components of the Zuni CIRCLE initiative's system change efforts are identified above; this section describes them in greater detail. This section also describes other valuable resources developed by the Zuni CIRCLE partners for moving the process of system change (and system strengthening) forward.

##### **Using Technology to Support System Integration**

An automated *case management system* (dubbed Full Court) links the tribal court, probation, the detention and jail facility, child welfare, the substance abuse treatment center (the recovery center), and the domestic violence service provider to each other. This permits joint (coordinated) case management of offenders as they move through the criminal justice system. Just as importantly, it permits coordinated service delivery for children, battered spouses, youthful offenders, families in need of services, and crime victims as they move through the relevant institutions encompassed by the CIRCLE initiative.

Full Court, however, operates not only as a case management tool but also as an outcomes reporting tool. This provides the CIRCLE steering group with the ability to link these two activities, which will be an important asset as the group enters Phase II of the evaluation. Additionally, Full Court has the ability to provide the tribe with accurate data regarding crime trends. The tribe is making parallel efforts to improve record keeping regarding calls for service, incident reports, arrests, and geographic mapping of these demands on police and other justice system agencies.

##### **The Role of Facility Development in System Building**

The CIRCLE initiative has funded major new components of the facilities infrastructure – in particular, facilities needed to support services/programs in areas that typically have contributed both to system breakdown and to problems in the performance of individual institutions. For example, it is common for domestic violence to be underreported in Indian country. One aspect of the problem is that victims are vulnerable to reprisal; without access to emergency shelter and food for themselves and their children if they need to leave the house for safety,<sup>75</sup> they may be fearful of reporting such crimes or fail to follow-up in pressing charges. While the CIRCLE initiative at Zuni focused on the development of a women's shelter, that shelter currently appears to be underutilized. The logic model and Phase II evaluation plan provide the means for both monitoring the utilization of the facility and determining causal factors for its under use (the system audit tools to be employed during the second phase of the evaluation will be especially helpful in this regard). Presently, the fact that the shelter is underutilized may be a significant but predictable sign that the justice *system* at Zuni is not yet fully functioning. Indeed, while other "system" infrastructure needs (relevant to addressing domestic violence) are yet to be met, the relatively recent development of the shelter represents important progress.

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<sup>75</sup> A directly related problem is the lack of jail space for offenders.

Of course, the CIRCLE initiative at Zuni also includes the development of correctional facilities. These facilities will not only address critical issues of capacity and help the tribe meet minimal standards for correctional conditions, but also enable the tribe to greatly enhance its programming for key crime categories such as alcohol-related crimes.

### **The Role of the Program Coordinator**

The CIRCLE coordinator role emerged as a particularly important force in promoting and sustaining system change at Zuni. This seems to be a function of two factors. First, the Coordinator at Zuni is highly competent and committed. Second, the position – whether by intent or accident – is designed in such a way that it effectively promotes system change. There are two important reasons for this:

- The position does not include a staff or department that creates a significant management burden for the coordinator. Thus, the coordinators are provided the opportunity to focus more fully on a change agenda. (In actual fact, the coordinators have substantial administrative duties but they are not constant and have permitted periods of intense focus on system change issues).
- The program coordinators do not have departmental affiliations. Thus, the coordinators have not generally been perceived as having a particular “turf” or other set of narrow interests to serve or defend and have been better able to fulfill their primary role as change agents.

Given their importance, effectively supporting the coordinators in their role is worth the serious consideration of the architects of this initiative (the cross-site analysis provides a full discussion of this issue). This is not necessarily a simple proposition, as the role and its demands are somewhat complex (illustrated by the statement of the Zuni Coordinator in the footnote below).<sup>76</sup>

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<sup>76</sup> Tyler Lastiyano’s description of his role as CIRCLE coordinator:

“As the conductor for this insane orchestra, I involve myself in a number of different programs. I serve as a technical resource advisor. For many programs, I serve as another layer of bureaucracy to obtain program support. In most cases, I serve as an advocate for the programs, and I have not heard any complaints yet.

“My role as Tribal Coordinator had many wondering what exactly I was coordinating? In the year I have been in this position I have managed to coordinate various programs to meet on a regular basis, conduct working sessions, evaluate programs, and provide much needed technical assistance for the programs involved.

“My whole emphasis is not politically motivated which had been assumed by program directors. I have no desire to hold public office and strive only on accomplishment for the betterment of our community. Once program directors saw that I work day and night to improve their programs and that I speak on their behalf, I have gained their respect and confidence.

“I prioritize on issues expressed during our monthly meetings and on issues that need to be addressed based on the nature of the issue. I walk through once a week to those programs involved and see how employees are doing and ask for their input. I conduct ride-alongs with the Police Department and sit in on trials from time to time.

“Basically I am in a position where I have access to support from the U.S national level and state level. With that, I express these issues at the tribal level and make my recommendations and strategies for improvement.”

## **Development of Interagency Protocols**

Representatives from participating agencies are working together to develop policies and procedures that better coordinate the work of key system components. For example, in order to ensure a more coordinated effort, the police department and staff from the women's shelter have worked together to develop policies and procedures that prescribe what officers should do when domestic violence is reported. One such new protocol requires that when a report of domestic violence is made, a victims' advocate joins police when they respond to the scene. This set of policies and procedures also instructs officers to make an arrest if a basic set of conditions is present (which was not done in the past).

The development of interagency protocols for certain classes of offenses (domestic violence, abuse and neglect) has been completed, with these protocols sometimes linked to Full Court. That is, Full Court has the capacity to identify when appropriate follow-up services have been provided or when obligations imposed by the court are fulfilled.

## **Addressing Family Violence Through Interagency Protocols**

We interviewed both a children's and a victims advocate during our first two site visits. The purpose of these interviews was to get a sense of the ability of new cross-agency protocols to change front-line practice. In other words, we wanted to know whether the mechanisms put in place through CIRCLE were effective in promoting meaningful cooperation across agencies and systems ("meaningful cooperation" occurs if linking agency/system operations actually makes a difference for the families in the system). One way cross-agency protocols could make a positive difference is in the smoothness and appropriateness of a client's path through the system; for example, effective cross-agency protocols might increase the likelihood that, when an incident of domestic violence is reported, an investigation and arrest are made and a woman and her children are moved into appropriate shelter. Other evidence of effective cross-agency protocols might be that the services offered to a family are of a higher quality (the services are culturally appropriate, are delivered on time, and so on) than they would be in the absence of such cooperation.

## **Discussion: Using Interagency Protocols and Agreements to Build and Strengthen System Functioning**

The ability of such interagency protocols to improve system functioning is mediated by several factors, including the quality of staff, staff buy-in into system change, and the quality of the protocols themselves. Presumably, a very strong system change effort will work even with average staff possessing minimal commitment to change. Our site visits to Zuni indicated that CIRCLE might be:

- Beginning to succeed in getting low or average quality staff with minimal buy-in to make the right system connections for the clients/families they serve
- Providing an opportunity for high-quality staff with significant buy-in to not only make the right system connections for clients but also provide them with higher quality services than in the past

It will, of course, require much more evidence to confirm these observations. The system auditing processes to be implemented in Phase II will be particularly valuable in that regard.

### **Building a Constituency for Change**

The initiative has brought representatives from multiple agencies together and promoted the development of strong personal/professional relationships – thereby building a fairly broad-based local constituency for system change and reform. This has helped the overall effort weather political change and other threats to its sustainability. What’s more, this local constituency has used its resources (funding and others) to support the development of new leadership in critical areas (a new chief of police and a new police captain, for example). Not only are these new leaders committed to improving the performance of the overall system by implementing changes specific to their department or agency (such as community policing), but they further strengthen the local constituency for sustained improvement of the overall system with their general buy-in of the CIRCLE initiative.

## **V. Discussion of Agency and Institutional Change Efforts**

### **Implementing Community Policing**

The CIRCLE initiative is promoting important change (and reform) within the Zuni police department. The department, which the tribe opted to manage via a P.L. 93-638 contract several years ago, is making a significant attempt to move to community policing. This effort is likely to bring the department into broad and deep contact with the tribal community and, as a result, may increasingly legitimize the police function locally (that is, through close involvement in the community, police who exercise their authority on behalf of the community will increasingly seek community approval for such actions). Over half of the department will be dedicated to community policing.

Basically, the Zuni Police Department is remarkably similar to the “typical” department described in the Harvard study of policing in Indian Country (Wakeling *et al.* 2001). This is a department of 20-plus uniformed officers patrolling a community of around 10,000 living in a relatively limited geographic area. The number of officers has expanded recently and there are a number of young, inexperienced officers in the department (and like many other departments in Indian country, the Zuni force faces challenges in recruiting and retaining qualified officers).<sup>77</sup>

At the time of our visits, all of the members of the department were tribal members and all were Native language speakers. As with other small departments both within and outside Indian country, the officers here function as generalists: they have responsibility for a fairly wide range of duties other than simply patrolling the community. The department’s budget is within the normal range for departments of this size in Indian country, meaning that it faces significant but perhaps not overwhelming resource issues. Members of the CIRCLE steering committee believe the department has a good relationship with the community, and our interviews with important observers of the department-community relationship support this assertion.

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<sup>77</sup> For example, it has difficulty attracting officers with appropriate educational backgrounds and competes with local police jurisdictions for qualified, experienced officers.

The problems the department addresses are also quite similar to those of other tribal communities, although there are a few notable variations. As in many other tribal communities, the crime problem that absorbs most of the department's attention and resources is alcohol-related crime, ranging from disorderly behavior and simple assault to driving while under the influence and family violence (including child neglect and abuse issues and domestic violence). Unlike a number of other tribes, however, the level of youth violence and street crime appears to be relatively low. Although youth gangs are said to be a problem, there is little evidence of youth gang activity (in crime data, in youth wearing gang-style clothing, in graffiti, etc.).

It is clear that a tremendous amount of energy has been devoted to increasing the number of trained officers on the police force. But signs of a significant move to community policing strategies are already emerging:

- The department is utilizing a bike patrol in densely populated areas of the middle village and other areas.
- As of December 11, 2001, the Zuni Tenant Committee, a community-organization, agreed to community policing training and citizens patrol training available through the CIRCLE Project. This program will have volunteers conducting ride-a-longs, foot patrols, and neighborhood watches. Funding for off duty officers to provide additional services has been obtained through the U.S. Department of Housing and Urban Development.
- The Zuni steering committee is planning ways to strengthen the cultural relevance and legitimacy of the patrol function.

### **Developing Services and Supports for At-Risk Youth**

During the first two site visits, we met with several youth and the staff that serve them at the Youth Center (formerly a Baptist Church). The tribal census as of July 2001 indicates there is a population of 3,022 youth from 6-20 years of age. Youth Center weekly attendance averages 50-60+ youth from the general public (not including the court referred youth and youth suspended from school). The paragraphs below outline the program rationale and current operation of the Youth Center as described to the Zuni evaluation team by the Coordinator, Tyler Lastiyano.

#### **Staffing**

A staff of six oversees the Center. The youth per staff ratio was an early problem in the development of Center programming – suggesting especially strong demand for youth programming. In response, the tribal Workforce Investment Act program provided three additional staff.

#### **Activities and Programs**

The Center is developing a number of recreational and cultural activities for youth, including movie nights, basketball, and instruction in building Zuni outdoor ovens (*hornos*). Notably, many of the youth participating in these programs and activities are said to be at some risk (though that might be said of most children and youth on the reservation). But these efforts are not casual. Great care has been taken to tie them in with the overall CIRCLE initiative at Zuni

and to ensure that the youth that most need these services are identified and served. The effort is not yet fully developed and is likely to be modified significantly over time, but it represents a strong start on worthwhile youth programming.

The Youth Center is open Monday/Wednesday/Friday for the general public. Tutoring in all subjects is provided from 3:00-5:00 p.m., then scheduled activities are provided. The Center features a 16-week program for all court-referred youth, and is open on Tuesday and Thursday only for them. These two days are very comprehensive. All youth must attend counseling and participate in a service-learning project. They must also provide a volunteer from their immediate family to participate in activities. At the end of the 16-week program, a graduation is held for the participants. This is a mandatory family session. If a participant fails to show or participate, the case gets referred back to the courts where a bench warrant is issued. Two groups have completed the program; the first group consisted of 30+ students, and the next group consisted of 40+ students.

### **Links to Schools**

The Youth Center recently signed a Memorandum of Agreement (MOA) with the Zuni Public School District to extend services to all short- and long-term suspended students. The issue here was that suspended students were sent home, which served best as a short-term vacation. Now upon suspension the parents are referred to the Center for orientation and placement of their child. No students are allowed to go home. Except for service learning, the Center provides essentially the same set of services to suspended students as it does to court-ordered youth.

A recent MOA enables Youth Center staff to work with school staff on academics and behavior problems by communicating with the school counselors and teachers at any given time. The program also works in cooperation with the tribal probation officer who keeps track of youth regarding their alcohol and substance use along with other related offenses. In addition, the Full Court system will link service providers to the Zuni Youth Center.

### **Service Learning Initiative**

Service learning is geared to assist community members who need work done around at their homes. Projects include wood chopping, area beautification, minor carpentry work, building ramps for the elderly, replacing windows, and so forth. The work allows youth to see their accomplishments, feel community members' appreciation, and thus, gain a sense of self worth. In January 2002 the Zuni Public School District hired a full-time educator to work with youth in the service learning program on their academics while the Youth Center Staff work on their behavior. This position will be transferred to the new correctional facility upon its completion to provide educational services for the service population within the facility.

## **VI. Strategic Challenges**

While the progress made thus far at the Pueblo of Zuni is substantial, the Zuni CIRCLE Project nevertheless faces some important strategic challenges. During our interviews and research, three primary challenges emerged. We discuss them briefly below:

- Though the CIRCLE initiative is quite young, the streamlined and enhanced funding made available through the efforts of the initiative’s federal partners will greatly diminish over the next several years. One of the most formidable challenges facing the local CIRCLE stakeholders will be the development of a sustained funding stream adequate to support continued system building and reform; in other words, the challenge is to sustain a change agenda without the fiscal resources to support some key aspects of program and institutional development (including, for example, facility development). Most observers of change initiatives cite maintaining change efforts over a long period of time as a key leadership task (see Gardner 2000). This requires a combination of highly developed fundraising, fiscal management, and political skills.
- The second major challenge the local stakeholders face is whether and/or to what degree and how they wish to incorporate culture into the design of the individual agencies and institutions that make up their justice system. We cite elsewhere in this report the critical role that “cultural match” plays in institutional performance in Indian country. This research strongly suggests that *an alignment between the form and powers of a government’s contemporary institutions and the form and powers of its pre-reservation institutions is most likely to generate institutional stability and legitimacy*. Yet, that “match” is not typical: the U.S. government created the twentieth-century governments of most tribes, over-riding indigenous institutions. In cases where tribes were fortunate enough to avoid imposed constitutions or where, fortuitously, the imposed structure is well matched to pre-reservation forms, tribes are performing well; but where match is poor, tribes are struggling.<sup>78</sup>

Currently, the Zuni coordinator and other local partners plan to develop culturally appropriate treatment regimens, correctional tools, and case management practices by drafting new policies and procedures and modifying relevant tribal codes. We are not certain these measures are sufficient to achieve a meaningful cultural match in these institutions. Our observations and interviews at Zuni indicate that the tribe is making a strong effort to implement community policing, but that it has generally adopted that model as it is deployed in urban settings with strikingly different cultural contexts. As we state in our cross-site analysis, the challenge for the Zuni will be to determine, given their cultural context, whether or not and to what degree they wish to “redesign” the systems that animate and guide policing and other components of their criminal justice system – such as the organizational structures of the relevant departments, tribal personnel and training systems, local management information and control systems, and tribal agencies that conduct strategic planning – so that they are linked to a vision shaped by the Zuni’s needs, beliefs, priorities, and resources. As a result of such redesign, the tribe’s criminal justice system would likely become more indigenous (or self-determined), more likely to build upon and reinforce important cultural norms and

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<sup>78</sup> This point is based on research by Stephen Cornell and Joseph P. Kalt, especially Cornell and Kalt (1995).

values, and more valuable to the community.<sup>79</sup> We note that taking these issues seriously increases the overall challenge of managing change, in terms of politics, finances, and organizational culture.

- The third major strategic challenge for the local Zuni steering group will be to successfully negotiate the political environment over the period necessary to consolidate and institutionalize the system changes they have achieved thus far. The key will be measures such as entering successful partnerships with potential competitors (other agencies or constituencies with competing change agendas or approaches to service delivery), developing a wide array of political allies, and avoiding unnecessary political rivalries and conflicts. The Zuni political dynamics were moderately stable, especially relative to a number of other tribes. But as in any other community (Indian or non-Indian), politics are unpredictable and not consistently rational, and the CIRCLE leadership will face substantial political management challenges as they nurse their initiative to maturity.

In summary, we are acknowledging the tremendous task ahead of the Zuni CIRCLE initiative's leadership, despite the significant progress achieved thus far.

## **VII. Charting Progress**

The three charts that follow provide a roadmap to the Pueblo of Zuni CIRCLE Project evaluation framework. They were developed in participation with the Zuni CIRCLE Project's Coordinator, partners, and advisors and are intended to provide easy reference points and tools for the work ahead.

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<sup>79</sup> Again, see Wakeling *et al.* (2001), particularly the concluding chapter.

**Chart I: Linking Programs And Strategies To Goals/Results**

Result/Goal	Relevant Program And/Or Strategy
<p>The CIRCLE Project makes significant progress each year toward reducing <i>domestic violence</i> at the Pueblo of Zuni.</p>	<ol style="list-style-type: none"> <li>1. The community policing initiative provides 14 new community policing positions. These officers are trained in using interagency protocols that promote better service for victims of domestic violence.</li> <li>2. The domestic violence shelter/facility provides appropriate services and supports to domestic violence victims.</li> <li>3. Revised domestic violence codes provide for more effective enforcement of domestic violence offenses. This includes stiffer penalties and an expanded definition of domestic violence.</li> <li>4. New, culturally appropriate responses to families at risk of domestic violence are developed and implemented.</li> <li>5. Interagency protocols for social services, women’s shelter staff, and other agency staff are developed and implemented.</li> <li>6. An adult protection advocate position is created and funded through CIRCLE.</li> <li>7. The Full Court automated case management system is used to improve: a) the planning and delivery of services for victims of domestic violence; b) protective services for victims; and supervision of offenders—including coordination of services and supervision across agencies (community corrections, corrections, police, shelter staff, etc.).</li> <li>8. “On-call” services for victims of domestic violence are improved to provide better around-the-clock services.</li> <li>9. Support to staff serving and/or supervising families involved in domestic violence is improved. This includes improved computer technology, increased pay, and increased and improved training.</li> </ol>

**Chart I: Linking Programs And Strategies To Goals/Results, continued**

Result/Goal	Relevant Program And/Or Strategy
<p>The CIRCLE initiative makes significant progress each year toward reducing <i>child abuse and neglect</i> at the Pueblo of Zuni.</p>	<ol style="list-style-type: none"> <li>1. New staff position: a) improves outreach capacity to families at risk of abuse and neglect; and b) creates capacity to make changes in children’s code, improvements in judicial process, and develops and secures additional technical assistance.</li> <li>2. New, culturally appropriate responses to families at risk of child abuse and neglect are developed and implemented.</li> <li>3. Interagency protocols for social services and staff from other agencies are developed and implemented.</li> <li>4. The Full Court automated case management system is used to improve: a) the planning and delivery of services for families at risk of abuse and neglect; b) protective services for victims; and supervision of offenders—including coordination of services and supervision across agencies (community corrections, corrections, police, shelter staff, etc.).</li> <li>5. Support to staff serving and/or supervising families involved in child abuse and neglect is improved. This includes improved computer technology, increased pay, and increased and improved training.</li> <li>6. Safe start grant is secured and enables agencies to focus on children 0-6—provides better coordination with I.H.S., including mental health, learning disabilities, and related services.</li> </ol>

**Chart I: Linking Programs And Strategies To Goals/Results, continued**

Result/Goal	Relevant Program And/Or Strategy
<p>The CIRCLE Project makes significant progress each year toward reducing <i>youth violence</i> at the Pueblo of Zuni.</p>	<ol style="list-style-type: none"> <li>1. Youth center open to all youth (but focusing on youth at high risk of violence and substance abuse), providing a wide array of recreation, cultural, community service, educational, and vocational programs. The Center has 3 full-time staff funded through CIRCLE and 3 funded through Workforce Investment Act funds.</li> <li>2. Community policing officers are outposted at schools and build stronger relationships with youth that reduce youth violence.</li> <li>3. Community policing initiative expands ability to control and prevent assaults among youth.</li> <li>4. An interagency agreement between the school and the CIRCLE Project is developed that provides referrals of high-risk youth (indicated by a school suspension or expulsion or social problems) to the Youth Center and Center-based programs (about 2-10 kids referred each week).</li> <li>5. Incorporate community groups into overall youth services strategy.</li> <li>6. The Juvenile Court refers youth to Youth Center programming—a 16-week program that includes individual, group and family counseling, a community service program, cultural programming, and family involvement.</li> </ol>

**Chart I: Linking Programs And Strategies To Goals/Results, continued**

<b>Result/Goal</b>	<b>Relevant Program And/Or Strategy</b>
<p>The CIRCLE Project improves the <i>school behavior</i> of youth at high risk of violence</p>	<ol style="list-style-type: none"> <li>1. An interagency agreement between the school and the CIRCLE Project is developed that provides referrals of high-risk youth (indicated by a school suspension or expulsion or social problems) to the Youth Center and Center-based programs (about 2-10 kids referred each week).</li> <li>2. Youth Center open to all youth but focusing on youth at high risk of violence and substance abuse providing a wide array of recreation, cultural, community services, educational, and vocational programs. The Center has 3 full-time staff funded through CIRCLE and 3 funded through Workforce Investment Act funds.</li> <li>3. This also involves follow-up services for school referred youth but not formal case management.</li> <li>4. Community policing officers are outposted at schools and build stronger relationships with youth that reduce youth violence.</li> </ol>

**Chart I: Linking Programs And Strategies To Goals/Results, continued**

Result/Goal	Relevant Program And/Or Strategy
<p>The CIRCLE Project makes significant progress each year toward reducing <i>alcohol abuse among juveniles</i> at the Pueblo of Zuni.</p>	<ol style="list-style-type: none"> <li>1. A comprehensive youth alcohol-abuse awareness and education program is designed and fully implemented by December 31, 2003.</li> <li>2. Youth Center open to all youth but focusing on youth at high risk of violence and substance abuse providing a wide array of recreation, cultural, community services, educational, and vocational programs. The Center has 3 full-time staff funded through CIRCLE and 3 funded through Workforce Investment Act funds.</li> <li>3. Community policing officers are outposted at schools and build stronger relationships with youth at risk of substance abuse.</li> <li>4. An interagency agreement between the school and the CIRCLE Project is developed that provides referrals of high-risk youth (indicated by a school suspension or expulsion or social problems) to the Youth Center and Center-based programs (about 2-10 kids referred each week).</li> <li>5. The Juvenile Court refers youth to Youth Center programming—a 16-week program that includes individual, group and family counseling, a community service program, cultural programming, and family involvement.</li> <li>6. Community policing officers better able to target and employ problem solving with individuals and families at high risk of alcohol-related crimes and problems—including sobriety checkpoints.</li> <li>7. New correctional facility provides treatment opportunities for people arrested for alcohol-related crimes.</li> <li>8. Drug court program for adults and juveniles (includes day-reporting and classes) is established.</li> <li>9. Full Court used to improve case management of youth arrested for alcohol-related crimes.</li> </ol>

**Chart I: Linking Programs And Strategies To Goals/Results, continued**

Result/Goal	Relevant Program And/Or Strategy
<p>The CIRCLE Project makes significant progress each year toward reducing <i>alcohol abuse among adults</i> at the Pueblo of Zuni.</p>	<ol style="list-style-type: none"> <li>1. Community policing officers able to target and employ problem solving with individuals and families at high risk of alcohol-related crimes and problems—including sobriety checkpoints.</li> <li>2. New correctional facility provides treatment opportunities for people arrested for alcohol-related crimes—includes MOAs with multiple community programs.</li> <li>3. Drug court program for adults and juveniles (includes day-reporting and classes) is established.</li> <li>4. Full Court used to improve case management (and supervision) of adults arrested for alcohol-related crimes.</li> </ol>
<p>The CIRCLE Project makes significant progress each <i>year institutionalizing improved interagency coordination</i> in the criminal justice system and related social service agencies.</p>	<ol style="list-style-type: none"> <li>1. Full Court’s case management function is fully implemented with all partners (police, community corrections, judicial, victim, services shelter, social services, youth center, recovery, youth center, and other related service providers).</li> <li>2. New CIRCLE coordinator position improves interagency cooperation – along with ongoing TA regarding cross-training and interagency coordination.</li> <li>3. Interagency protocols promoting improved coordination and case management are drafted and implemented.</li> <li>4. System functioning assessment tools are designed and fully implemented (consumer surveys and System Quality Service Review)</li> </ol>

**Chart II: Linking Goals/Results to Indicators**

Goal/Result	Indicators
<p>The CIRCLE Project makes significant progress each year toward reducing <i>domestic violence</i> at the Pueblo of Zuni.</p>	<p>After an initial period in which arrests for domestic violence increase, arrests for domestic violence will decrease by a set percentage each year.</p> <p>Referrals to the shelter for domestic violence services will increase by a set percentage each year and then level off.</p>
<p>The CIRCLE Project makes significant progress each year toward reducing <i>child abuse and neglect</i> at the Pueblo of Zuni.</p>	<p>After an initial period in which arrests for child abuse and neglect increase, arrests for domestic violence will decrease by a set percentage each year.</p> <p>After an initial period in which reports for child abuse and neglect increase, reports of abuse and neglect decrease by a set percentage each year</p>
<p>The CIRCLE Project makes significant progress each year toward reducing <i>youth violence</i> at the Pueblo of Zuni.</p>	<p>After an initial period in which arrests for simple assault by juveniles increase, arrests of juveniles for these crimes will decrease by a set percentage each year</p> <p>After an initial period in which arrests for simple assault by juveniles increase, arrests of juveniles participating in CIRCLE-related programs for these crimes will decrease by a set percentage each year</p>
<p>The CIRCLE Project improves the <i>school behavior</i> of youth at high risk of violence.</p>	<p>Days of schools missed due to expulsions, suspensions, and unexcused absences of youth referred by the Court and by the schools to Youth Center programming are reduced.</p>
<p>The CIRCLE Project makes significant progress each year toward reducing <i>alcohol abuse among juveniles</i> at the Pueblo of Zuni.</p>	<p>A comprehensive youth alcohol-abuse awareness and education program is designed and fully implemented by December 31, 2003.</p> <p>Arrests of juveniles for possession of alcohol and public intoxication increase each year for 2002 and 2003 (with increased enforcement).</p> <p>Recidivism rates for arrests of juveniles for possession of alcohol and public intoxication are reduced each year beginning in 2004.</p>

**Chart II: Linking Goals/Results to Indicators, continued**

Goal/Result	Indicators
<p>The CIRCLE Project makes significant progress each year toward reducing <i>alcohol abuse among adults</i> at the Pueblo of Zuni.</p>	<p>Arrests of adults for DUI increase each year for 2002 and 2003 (with increased enforcement).</p> <p>Recidivism for DUI is reduced by a set percentage each year at the Pueblo of Zuni (beginning in 2005) for adults.</p> <p>Recidivism for DUI is reduced by a set percentage each year at the Pueblo of Zuni (beginning in 2005) for adults participating in CIRCLE programs.</p> <p>“Alcohol-related injury automobile accidents” decrease beginning in 2003.</p>
<p>The CIRCLE Project makes significant progress each year <i>institutionalizing improved interagency coordination</i> in the criminal justice system and related social service agencies.</p>	<p>Full Court’s case management function is fully implemented with all partners (police, community corrections, judicial, victim, services shelter, social services, youth center, recovery, recreation center, and other related service providers).</p> <p>Interagency protocols promoting improved coordination and case management are drafted and implemented.</p> <p>Consumer satisfaction survey developed (2002) and implemented (2003).</p> <p>System (family and safety) audit tool developed (2002) and implemented (2003).</p>

**Chart III: Key Dates in Evaluation Calendar – Project Milestones, Evaluation Tasks, and Evaluation Phases<sup>80</sup>**

	1999-2000	2001	2002	2003	2004	2005+
<b>System-Building Milestones</b>	<p>Planning processes for CIRCLE initiated</p> <p>CIRCLE coordinator position filled</p> <p>COPS officers recruitment and hiring initiated</p>	<p>Full Court core functions developed</p> <p>DV Shelter facility in place</p> <p>Key new DV and child abuse positions filled</p> <p>COPS officers recruitment and hiring continues</p> <p>Youth Center programming initiated</p> <p>Development of interagency protocols initiated</p>	<p>Interagency protocols are drafted and implemented.</p> <p>Drug court program for adults and juveniles is established and fully implemented (initial implementation)</p> <p>Youth Center programming ongoing development</p> <p>Development of interagency protocols continues</p>	<p>Full Court’s case management function is fully implemented (3rd quarter)</p> <p>Youth alcohol-abuse awareness and education program is designed and fully implemented (4<sup>th</sup> quarter)</p> <p>Drug court program for adults and juveniles is established and fully implemented if operating grant is awarded</p> <p>Cultural match strategy is developed for policing and other system functions</p> <p>Development of interagency protocols completed</p>	<p>Cultural match strategy is implemented for policing and other system functions</p>	<p>New correctional facility is fully operational</p>

<sup>80</sup> Includes dates for only activities that have not yet been completed.

**Chart III: Key Dates in Evaluation Calendar – Project Milestones, Evaluation Tasks, and Evaluation Phases, Continued**

	1999-2000	2001	2002	2003	2004	2005+
<b>Key Evaluation Tasks</b>			<p>System functioning assessment tools are designed and fully implemented (consumer surveys and System Quality Service Review tool)</p> <p>Begin development of baselines for key indicators</p>	<p>Review and finalize baselines for key indicators</p> <p>Conduct system assessments and use findings to modify programs and system functions (January and July)</p> <p>Cultural match outcomes and indicators identified</p>	<p>Conduct system assessments and use findings to modify programs and system functions (January and July)</p> <p>Cultural match outcomes and indicators incorporated into evaluation plan</p>	<p>Conduct system assessments and use findings to modify programs and system functions (January and July)</p>
<b>Evaluation Phase</b>		<p>Process evaluation initiated</p>	<p>Key outcomes and indicators identified</p> <p>Process evaluation completed</p> <p>Arrest rates for key indicators should increase (domestic violence, abuse and neglect, alcohol-related crimes)</p> <p>Referrals and reports increase</p>	<p>Arrest rates for key indicators should continue to increase or level (domestic violence, abuse and neglect, and some alcohol-related crimes)</p>	<p>Arrest rates for key indicators should begin to level or decrease (domestic violence, abuse and neglect, and some alcohol-related crimes)</p>	<p>Arrest rates for key indicators should continue to decrease (domestic violence, abuse and neglect, alcohol-related crimes for youth)</p> <p>Arrest rates for key indicators linked to system building milestones above should begin to level or decrease (adult alcohol-related crimes)</p>

# **Preserving and Strengthening Our Communities by Protecting, Teaching and Nurturing Our Children:**

## **The CIRCLE Project at the Northern Cheyenne Tribe**

### **Overview**

With its dedication to youth and an extensive history of working with comprehensive youth crime prevention programs, the Northern Cheyenne Tribe is a natural and logical fit for the U.S. Department of Justice's Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project. Involvement in the CIRCLE Project offers the Tribe an opportunity to further develop its youth crime prevention strategy and to offer services former comprehensive programs were unable to provide. Furthermore, the Tribe's prior experience with comprehensive crime prevention programs established a strong foundation for the Northern Cheyenne CIRCLE Project.

Although comprehensive programs promise progress on especially difficult problems (including crime and substance abuse), their complexity poses a serious challenge to evaluators. One solution is to employ a "theory of change" methodology. This methodology enables program participants to work with evaluators to identify (1) the idea or theory behind the initiative, (2) process-oriented evidence demonstrating that programmatic changes in line with the theory are occurring, and (3) indicators of program success. The theory of change for the Northern Cheyenne CIRCLE Project is rooted in the Tribe's experience with the Risk Focused Prevention Project, the Indian Country Justice Initiative, and the Weed and Seed Program.

The Northern Cheyenne steering committee embraced the theory-of-change approach. Not only did it employ a methodology appropriate for the services offered, but it also was participatory in nature, allowing members of the CIRCLE team to direct and participate in evaluation activities. The Steering Committee also embraced the idea of utilizing qualitative data and, where possible, quantitative data to describe program progress and to assess Project success. Detailed, in-person interviews with key personnel and staff of the Project were primary evaluation activities planned by the Harvard team and the Northern Cheyenne CIRCLE Project Steering Committee. To supplement these, the evaluation activities incorporated a written survey that targeted the three main parties involved in CIRCLE:

- Participants (or clients and their families who have been served by the CIRCLE Project)
- Partners (primarily Steering Committee members)
- Staff (of the partner programs in CIRCLE)

The data collected would be used to assess not only the development of the Project according to the Steering Committee's theory of change, but also to create a baseline for any future evaluation activities.

The prior history of comprehensive programs on the reservation and the short period of time that CIRCLE has existed make it difficult to assess the direct impact of CIRCLE. However, qualitative data combined with limited quantitative data provide some key findings. They include:

- The CIRCLE Project has a core group of dedicated staff and partners who have a history of working together and who believe the CIRCLE Project is making a difference in their community.
- There is less communication among the broader set of CIRCLE partners and their staffs, which has limited system-wide understanding of CIRCLE programs, services, and goals.
- Although most clients and families are satisfied with the services they have received from the CIRCLE Project, many remain unaware of the full menu of services available and would like to know more about other services offered.

The CIRCLE Project at Northern Cheyenne has made considerable progress towards the Steering Committee's goals and objectives, especially considering its limited resources and the social and economic problems on the reservation. The Project has been able to build upon its history of working together to form a dedicated core team. The Project is increasingly tied to the nation-building process occurring within the Northern Cheyenne Tribe and, as such, is subject to the growing pains associated with this process.

Looking to the future, the evaluation team has identified several areas that might assist the CIRCLE Project in moving forward: strategic visioning and planning, community building, leadership development, a CIRCLE Project newsletter, active involvement of the Tribal Council in CIRCLE activities and training, and teambuilding activities for CIRCLE Project Steering Committee and staff.

## **I. The State of Northern Cheyenne<sup>81</sup>**

Situated on more than 800 square miles in southeastern Montana, the Northern Cheyenne Reservation is comprised of five districts: Lame Deer, Ashland, Busby, Muddy Cluster, and Birney. Lame Deer is the largest community, the seat of tribal government, and the center of most business, non-profit, educational, and federal activities on the reservation. Approximately 98% of the reservation is Indian owned; 77% is tribally owned. Approximately 55% of the 7,800 enrolled members live on the reservation.

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<sup>81</sup> Most statistics in this section are taken from the three CIRCLE applications submitted by the Northern Cheyenne Tribe.

The economy is based predominately on agriculture and ranching, although very few tribal members are employed in this economic sector (Native-owned land is leased to non-Natives for farming and ranching). The combined government agencies are the largest employer in the community, accounting for 250 full-time and 229 part-time employees. Unemployment averages 65% annually, with rates reaching as high as 80% during the winter months (Bureau of Indian Affairs 1997). Among employed tribal members, 22% have incomes below the poverty level. Median household income in 1997 was \$14,200. The communities surrounding the reservation offer very little opportunity for employment, and many tribal members lack the necessary training or the skills to compete for the jobs that are available.

Major health problems such as substance abuse and domestic violence are contributing to the breakdown of family structures with the Tribe. Family involvement in school activities is low, while dropout and daily truancy rates are high. Lane Deer High School dropout rates from 1997 to 1999 were 300% higher than the state of Montana dropout rate. Since 1997, enrollment at Chief Dull Knife College (the tribal college) is down 60%. More than 85% of the students in the Lane Deer School system consistently fall below the 50<sup>th</sup> percentile in math and reading on national achievement tests.

The youth of today are the decision-makers of tomorrow. With more than 60% of the Tribe's population being age 30 or younger, it is especially clear that the challenge of developing a healthy, sustainable nation rests predominantly with the younger generations. In order to contribute, however, many Northern Cheyenne youth must overcome enormous difficulties stemming from their socioeconomic situation. The Northern Cheyenne CIRCLE Project, with its focus on improved justice system services to youth, has great potential to contribute positively to this process.

## **II. Political/Cultural History**

Prior to European contact, traditional government among the Northern Cheyenne centered on the Council of Forty-Four and the Military Societies and War Council of Twenty-Four. E. Adamson Hoebel, an anthropologist who co-authored *The Cheyenne Way* (1941) with Karl Llewellyn, describes the Tribe's Council of Forty-Four during the Cheyenne's 1800-1850 "Climax Period" just prior to European contact:

The keystone of the Cheyenne social structure is the tribal council of forty-four peace chiefs. War may be a major concern of the Cheyenne's...yet clearly the Cheyenne's sense that a more fundamental problem is the danger of disintegration through internal dissension and aggressive impulses of Cheyenne against Cheyenne. Hence, the supreme constitutional authority of the tribe lies not in the hands of the aggressive war leaders but under the control of even-tempered peace chiefs. All the peace chiefs are proven warriors, but when a chief of a military association is raised to the rank of peace chief, he must resign his post in the military society. He retains his membership, but not his position as war chief. The fundamental separation of civil and military powers, with the supremacy of the civil, which is characteristic of so many American Indian tribes and is written into the Constitution of the United States, is most explicit in the unwritten constitution

of the Cheyenne nation. A Cheyenne peace chief is chosen for a definite term of office – ten years – and ritually inducted as a member of the council. Each chief is representative of his band (note: four chiefs for each of the ten bands plus four head priest-chiefs) and is always a headman of an extended family. The personal requirements for a tribal chief, reiterated again and again by Cheyennes, are even-tempered good nature, energy, wisdom, kindness, concern for the well-being of others, courage, generosity and altruism (Hoebel 1978, p. 43; a similar point is made in Moore 1996, p. 162).

Under no circumstance could a chief be impeached or deposed during his ten-year term of office, not even for murder. If the chief was still alive at the end of his term, he chose his own successor from within his own band, ensuring that every band had at least four representatives on the council. There were no economic advantages to being a chief, only respect and honor. In addition to ruling on matters of camp policy, the council acted as a judicial body in cases involving criminality (*ibid.*, especially pp. 50-52).

Unlike some other tribes, the Cheyenne went to great lengths to integrate their bands into a Cheyenne nation. Also unlike other tribes, such as the Lakota, in which a band or division might or might not respect the declaration of war made by other bands, the Cheyenne absolutely required every band to participate (Moore 1996, especially p. 90).

Administratively, the duty of carrying out the instructions of the Council of Forty-Four fell on the six warrior societies. Each of the six societies elected four chiefs on the basis of their outstanding bravery and leadership abilities. Orders of the tribal councils were rarely disobeyed, one probable reason being the required consultation between band leaders and members that preceded final decisions. The warrior societies also served as camp and hunt police, kept discipline during the great holy ceremonies, and played major roles in organizing the Sun Dance and Massaum ceremonies. In certain instances, the council chiefs delegated some of their authority to the warrior society chiefs (Powell 1980). The “military societies tended to reinforce the unity of the Cheyennes by suppressing would-be secessionist bands and factions, and thus acted as one of the strongest elements binding the tribe together” (Taylor 1980, p. 81). Taylor also writes that the “Cheyennes were unusual in their degree of tribal organization,” (*ibid.*, p. 82) and argues that the Tribe’s unique, integrated internal structure helped preserve tribal unity during the assimilation process in the late 19<sup>th</sup> century and early 20<sup>th</sup> century.

Although there is evidence of the Cheyenne having contact with Lewis and Clark in 1804 (Hoig 1980), the first formal contact between the Cheyenne Nation and the United States government did not take place until 1825, when General Henry Atkinson traveled up the Missouri River to mediate peace treaties with the Indian tribes of the northern plains (Svingen 1993). The pressure from other tribes moving west eventually forced the Cheyenne to split into two, the Northern and Southern Cheyenne, in 1830. The Cheyenne were assigned land between the North Platte and Arkansas rivers through the Treaty of Fort Laramie in 1851. The land embraced territory in what is now Wyoming, Nebraska, western Kansas, and half of present-day Colorado (Mooney 1905-1907, pp. 357-442). The Northern Cheyenne did not initially realize that the Treaty had disregarded the north-south Cheyenne division, and grouped both bands in the south. Despite the Treaty stipulations, the Northern Cheyenne refused to move to the southern territory, and remained in their traditional lands where they slowly grew distinct from their southern relatives.

In 1907, a respected Cheyenne anthropologist commented on all of the changes the Northern Cheyenne had experienced in their culture over the past 200 years:

The most salient fact brought out by a study of the Cheyenne is that of the newness of everything, which they have, with the single exception of the Sacred Arrow cult. In the comparatively short period of two centuries...they have shifted their habitat nearly a thousand miles, from the sheltered timber to the open plains, have so completely lost their old life and have borrowed so much from the tribes of their new surrounding, that if it were not for their Algonquin speech and the known facts of their history, we should fail to recognize in the roving buffalo hunters of the upper Arkansas the same people who once planted corn, fished the lakes, and built their earth-covered lodges at the head of the Mississippi. Their great Sun Dance came from one tribe; their council system from another; the Omaha dance, Ghost dance, and Peyote rite from others; their warrior organizations as they now have it, their shield system, their whole equestrian habit, their tipis and their tipi life, are all of recent adoption and development... Their existing customs and ceremonials are under constant change, and are not now what they were even ten years ago (*ibid.*, pp. 420-421).

A further modern change is that recent constitutional reform (1997) has reorganized the judicial branch to implement a separation of powers and established that judges must now be elected rather than appointed.

### **III. Comprehensive Approaches to Law Enforcement**

The Northern Cheyenne Tribe has extensive experience with comprehensive crime prevention initiatives. Over the last 13 years, the Tribe has participated in four federally sponsored comprehensive initiatives: the Risk Focused Prevention Project, the Indian Country Justice Initiative, the Weed and Seed Program, and the CIRCLE Project. The opportunity to be part of each initiative has allowed the Northern Cheyenne to develop and expand services and to better address juvenile crime issues.

#### **Risk Focused Prevention Project**

Some at Northern Cheyenne have suggested that the tribe's movement away from more traditional forms of government went hand-in-hand with an erosion of the family structures that had been at the center of traditional Cheyenne culture and society. Whatever the cause, ruptures in family life and the fear of "losing" their younger generations led the Tribe to apply for its first federally funded comprehensive law enforcement initiative: in 1992, the Tribe became involved in the Department of Education's Risk Focused Prevention Project. Historically, juvenile justice systems have focused on sanctions, treatments, and rehabilitation to change behaviors after they occurred. By contrast, and as its name notes, the Risk Focused Prevention Project is prevention based. It was deeply grounded in research on adolescent problem behaviors such as substance

abuse, delinquency, violence, dropping-out of school, and teen pregnancy (Bueermann 1999). All of these problems were and are pervasive at Northern Cheyenne.<sup>82</sup>

The Risk Focused Prevention Project addressed these problems through, “a data and results-driven, community-oriented policing and problem-solving strategy” (*ibid.*). Although the Project did not eradicate juvenile crime on the reservation, it did develop some important lessons learned for future programs to build on, including the following:<sup>83</sup>

- The police mission must shift away from the simple apprehension of criminals and toward the task of addressing crime and violence *before* they occur.
- A crime prevention strategy must address risk and protective factors through a coordinated strategy involving multiple community “institutions,” such as the family, schools, the community, the police, and the criminal justice system.
- Effective strategies build on existing institutions and create new partnerships to fill service gaps.
- Key community leaders need to be engaged “to develop a vision of common goals for the community, and to commit to a risk-focused prevention strategy” (Hawkins 1995).

### **Indian Country Justice Initiative**

On September 20, 1995, Attorney General Janet Reno issued a Memorandum to the U.S. Department of Justice (USDOJ) establishing the Indian Country Justice Initiative (ICJI). Citing the dearth of law enforcement services in Indian Country, and the need to improve the safety and quality of life for American Indian citizens, ICJI began implementation in February 1996. The Northern Cheyenne Nation and the Pueblo of Laguna were the pilot sites.

ICJI was based on the same principles as the Risk Focused Prevention Project. The Initiative was intended to: “improve coordination among federal and American Indian justice systems as well as relevant service providers; encourage and develop innovative approaches to justice; improve existing systems including communications and procedures; strengthen offender supervision and treatment; expand prevention, intervention and training activities; and enforce laws against major crime – especially those involving violence” (Lujan *et al.* 1998, p. 3). ICJI had four main objectives. In summary, they are (see Lujan 1998, p. B-3):

- Strengthening tribal judicial systems
- Accessing resources for prevention, rehabilitation, and diversion

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<sup>82</sup> This statement should not be interpreted to mean that earlier initiatives were unsuccessful; rather, solutions to the deep-rooted social ills that underlie the problems take time. Certainly, the counterfactual is also unknown: it is likely that the problems would be even worse today without the groundwork laid by Risk Focused Prevention Project, the Indian Country Justice Initiative, and the Weed and Seed program.

<sup>83</sup> The first three lessons are paraphrased from Bueermann (1999).

- Creating effective options for probation, treatment, and sanctions
- Improving investigations and expanding prosecutions

### **Weed and Seed**

Despite the two previous comprehensive strategies, Northern Cheyenne still faced overwhelming youth crime problems. Problems included (cited in the Tribe's first CIRCLE application):

- 20% of school age children reporting the use of inhalants and methamphetamine
- 50% of students dropping out before graduation from High School
- 65% of reservation resident suffering from unemployment
- 74% more burglaries per capita occurring than the national average
- 391% more arsons per capita occurring than the national average

The Weed and Seed initiative drew on the comprehensive philosophy of the Risk Focused Prevention Project and ICJI. In addition, the same key community leaders that comprised the Risk Focused Steering Committee formed the Steering Committee for Weed and Seed. The Steering Committee consisted of representatives from schools, the local Boys and Girls Club, Native Action (a non-profit, community service organization), Chief Dull Knife College, local and federal law enforcement, the Tribal Court, and the tribal government.

The Northern Cheyenne Weed and Seed strategy was divided into four target areas: (1) Prevention; (2) Community Justice Systems; (3) Intervention and Treatment; and, (4) Economic Development. Key components of each of the four target areas are listed below.

#### **Prevention**

The prevention aspects of Weed and Seed complement the work of the Risk Focused Prevention Project by providing alternatives to crime and by making the community less susceptible to crime. They include:

- Safe Haven (Boys and Girls Club)
- Smart Moves
- Drug Elimination Program
- Street lighting
- Neighborhood Watch
- Northern Cheyenne Law Enforcement Support Services
- STOP Violence Against Women grant

#### **Community Justice Systems**

Under the community justice systems target area, the Tribe sought to improve the community's ability to respond to violence and crime. To accomplish this, Weed and Seed money was used to

hire a Victim Witness Coordinator and new police officers under a grant program of the USDOJ Office of Community Oriented Policing Services (COPS), and to develop a Court Appointed Special Advocate (CASA) program. Other activities included the Domestic Violence Arrest Policies Project and grant and a Children's Justice Act grant.

### **Intervention and Treatment**

The intervention and treatment target area centered on the recruitment and hiring of a Tribal Youth Court Advocate and a Federal Probation Officer Liaison. An additional aim was the facilitation of a feasibility study for a juvenile detention facility.

### **Economic Development**

By providing a meaningful future for the Tribe's children through professional training and economic development programs, the economic development portion of the Project may have supplied the greatest incentive for resisting crime. The Tribal Business Information Center, the Grade School Mini-Bank, Entrepreneurship Training, and Micro-Business Development formed the core of this program area.

## **IV. The Development of CIRCLE**

In addition to other selection criteria, the Northern Cheyenne Tribe was invited to participate in CIRCLE because of its prior experience working with federal agencies in the development of comprehensive youth crime prevention projects. Indeed, key individuals involved with prior projects attended the initial CIRCLE meeting in Rapid City, South Dakota. The specific group attending the meeting included:

- Kim Dahle (then Project Coordinator for Weed and Seed)
- Henry Thompson (Weed and Seed Steering Committee)
- Norma Gorneau (Tribal Vice President and a Weed and Seed representative)
- Glen Little Bird, Jr. (Tribal Council Member)
- Rudolph King, Sr. (Tribal Judge)
- Bill McClure (BIA Law Enforcement Services)
- Ron Spang (Northern Cheyenne BIA Police Chief)
- Tracy Toulou (Montana U.S. Attorney's Office)

Several of these people remain involved in CIRCLE as members of the Steering Committee or advisers to the Project.

The Tribe was fortunate to have both a solid programmatic and administrative foundation in place from the Risk Focused Prevention Project and the Weed and Seed Project. It also had the commitment and experience of a core group of community members who had been involved with these projects (largely as representatives of community institutions); this core group became the Steering Committee for the Northern Cheyenne CIRCLE Project. The specific programs,

institutions, and constituencies represented on the Steering Committee included law enforcement, tribal government (including the executive, legislative, and judicial branches), the Boys and Girls Club, Chief Dull Knife College Extension Program, the Office of Prosecution, Tribal Health Services, the Recovery Center, Tribal Social Services, U.S. Federal Probation, the U.S. Attorney's Office, youth, elders, and school representatives from each of the three local school districts.

From the outset, the Northern Cheyenne tribal government empowered the CIRCLE Project Steering Committee to identify specific strategies for the overall development of the Project. The Steering Committee was mindful that in order for CIRCLE to be effective, it would have to be part of the overall nation-building puzzle. Recognizing this, the Steering Committee sought and received USDOJ funding to hire Crossroads Leadership Institute to facilitate a series of strategic visioning and planning meetings. These meetings were intended to help the Steering Committee envision where the Tribe could be in 10 years and the role the CIRCLE Project could play in that vision. The Steering Committee focused on three concepts in developing its plan:

- *Reservation-wide strategic visioning and planning sessions.* This process encouraged both public as well as private sector members and tribal and non-tribal members to participate in developing a comprehensive “master plan” for capital and program development for all aspects of reservation life.
- *Community building.* A series of forums aimed at overcoming the differences between people. Individual forums centered on subjects such as community building strategies, Cheyenne and tribal history and language, community leadership, and community policing.
- *Leadership development.* Designed for youth, adults or elders, the program is intended to promote leadership development for both current and potential leaders at all levels.

As part of the reservation-wide strategic visioning and planning session, community members identified seven core focus areas (areas the nation ought to support or strengthen). The CIRCLE Project's aim is to help in as many of those areas as possible. The seven areas identified were:

- Youth equal the future
- Self-sustaining economy
- Tribal government
- Law and order
- Community spirit
- Cohesive family units
- Drugs and alcohol

In conjunction with the focus areas identified by the community, the Steering Committee identified seven additional needs or concerns:

- Needs assessment on a continued basis
- Juvenile resources (detoxification, treatment, school, rehabilitation)
- Courts
- Prosecution
- Shelter
- Re-introduction of cultural values
- Identify youth programs (sports, play areas, etc.)

Steering Committee members identified three areas that could be specifically targeted as part of the CIRCLE Project:

- *Law enforcement needs on Northern Cheyenne.* They hoped that CIRCLE would address the need for a police officer in each reservation district and the need for police officer training.
- *Crime problems.* They specifically were concerned about burglary by juveniles, deaths that had not been properly investigated, the abuse of children, domestic violence, a variety of drug crimes (making, transporting, selling, and using), alcohol-related crimes (DUIs, public intoxication, intoxication by minors, liquor violations, and bootlegger activity), and the lack of citations for minor violations (such as traffic violations).
- *Intervention and prevention.* They identified a need for continued assessment of programs and resources, to keep abreast of what was working, what program needs remain, and what resources exist for meeting those needs. They also felt that intervention and prevention would be better served with code development, better communication between justice agencies and various service providers, and the implementation of alternative or new methods of prosecution.

## **V. Theory of Change**

While comprehensive initiatives are promising, they pose a serious challenge to evaluators. One solution to the evaluation dilemma is to employ a “theory of change” methodology, in which initiative staff and participants work with evaluators to identify (1) the idea or theory behind the initiative, (2) process-oriented evidence demonstrating that programmatic changes in line with the theory are occurring, and (3) indicators of program success.

At Northern Cheyenne, the theory of change is deeply rooted in the Tribe’s prior experiences with the Risk Focused Prevention Project and the Weed and Seed Program. The result is a theory of change that identifies the importance of the continuing development of a comprehensive crime prevention and control strategy. The Steering Committee articulated the following theory of change:

*By creating a comprehensive project that unifies the activities and funding for the existing programs, which individually deal with youth crime problems, and identifies and develops new programs to fill gaps in service, the CIRCLE Project will be able to effectively deal with the problems of youth crime on the Northern Cheyenne reservation and to create a safer community.*

Prior experience with comprehensive programs on the reservation helped the Steering Committee predict early outcomes for the CIRCLE Project. The Steering Committee also was able to identify indicators and evaluation measurement tools that could be utilized during Project monitoring and evaluation activities. Table 1 (below) is an evaluation grid developed by the Steering Committee while working to identify the CIRCLE Project’s theory of change. The grid guided (and will continue to guide) the evaluation team in its activities.

**Table 1: Northern Cheyenne CIRCLE Project Evaluation Grid**

<b>Early Project Outcomes</b>	<b>Indicators</b>	<b>Evaluation Measurement Tool(s)</b>
Increase in communication among partners/programs	Number of Steering Committee meetings	Minutes of meetings, attendance at meetings
Building relationships among partners/programs	Number of formal and informal contacts	Survey item to partners/programs, meeting attendance, memos, emails, etc.
Increase in coordination and cooperation among partners/programs	Program records documenting communication, client satisfaction	Record audit, client survey, report audits
Increase in service delivery	13 staff hired, baseline number of services vs. services in 1999-2000, 2000-2001, etc.	Personnel records, program statistics
Increases in probation officers’ case loads	Baseline vs. Project implementation	Probation records
Increase in the number of prosecutions	Baseline vs. Project implementation	Prosecutors records
Increase in the number of arraignments	Baseline court cases vs. Project implementation	Court records, process server records
Increase in crime rates	Police calls, process server activity, victim witness activity, youth in-take activity	Reports to CIRCLE Coordinator, program records
Increase in chaos and confusion related to system change	Requests for clarification, expressions of anger or frustration	Verbal and written communications, survey questions to all three groups, Steering Committee agenda items, minutes of meetings

## **VI. CIRCLE Components**

As a comprehensive approach to youth crime prevention, the Northern Cheyenne CIRCLE Project strategy is comprised of a range of initiatives that together are anticipated to have an effect greater than the sum of the parts. This section reviews the CIRCLE strategy's component programs and notes progress through mid-2002 on the implementation of various strategic initiatives.

### **Community Justice Coordinator**

The Community Justice Coordinator (CJC) was hired as a tribal employee in November of 1999 to oversee the Northern Cheyenne CIRCLE Project. The Coordinator reports to the Executive Administrator of the Tribe. In the first two years of CIRCLE, the CJC provided indirect supervision to 11 employees hired under the eight CIRCLE component programs. The CJC also provided direct supervision to two employees hired in the positions of Youth In-Take Coordinator (Tribal Youth Program) and Construction Project Manager (Juvenile Correctional Facility). Current CJC responsibilities include administration and management functions related to CIRCLE, performed in cooperation with the tribal government, other CIRCLE programs, and other organizations working with CIRCLE; the hope is to minimize the Coordinator's direct supervisory and operational duties.

During CIRCLE's third fiscal year, the CJC also began working with the CIRCLE Project Steering Committee to redefine Project administration, so that the CJC can spend more time focusing on the long-term sustainability of the Northern Cheyenne CIRCLE Project. The revised set of responsibilities for the CJC would include: facilitating discussion and coordination between programs, developing and implementing the strategy by facilitating monthly Steering Committee meetings, monitoring the progress on each of the eight components of the grant, serving as the official liaison between the Tribe and the U.S. Department of Justice, preparing the required programmatic reports for the grant, and staffing the CIRCLE office.

### **Law Enforcement Enhancement**

Through the CIRCLE Project, the Tribe is providing additional officers, training, innovative technology, equipment, and vehicles to its Bureau of Indian Affairs-managed Law Enforcement Services Department. The law enforcement enhancement program will focus particularly on the expansion of community policing services in reservation communities beyond Lama Deer. Police officers also will be placed in substations at local schools, to help with conflict resolution and school-based prevention programs.

The Tribe has signed a Memorandum of Agreement with the BIA that outlines the roles and responsibilities for each entity, including procedures for the supervision of officers, equipment ownership and usage, and overall department administration. There are a total of 15 law enforcement officers (nine BIA funded and six tribally funded). Two of the tribally funded police officers were hired through the 1996 Universal Hiring Program Grant. However, the money was sufficient only to cover officers' salaries and benefits, and even then, at a lower rate than the officers hired through the CIRCLE Community Policing (COPS) Grant. This latter grant made it possible for the Tribe to hire four additional police officers and to cover the purchase of vehicles, uniforms, and other necessary equipment for *all* the tribally funded officers. (The CIRCLE

Project has made a special effort to supply the tribal officers with the same uniforms and equipment as the BIA officers.)

The Project is working toward the provision of additional law enforcement officers for each community on the reservation, the implementation of community policing (especially assisting the community in participating in law enforcement), the provision of needed training to law enforcement officers), and the deterrence of juvenile crime. Looking to the future, the hope is to add a second school officer, who will work in collaboration with the existing school officer and focus primarily on truancy issues. Such an officer would participate in the two reservation high schools' daily activities, conduct educational awareness activities, and participate in more standard patrol work. Other ongoing and planned law enforcement program enhancement activities include:

- Assignment of officers to reside in the various districts of the reservation in collaboration with the housing authority, with an eye toward the development of tenant patrols
- Actively work with the victim service programs in the community to assist with domestic violence issues, child abuse/neglect, and other victim-related crimes through participation in case management teams, mentoring programs, Boys and Girls Club activities, and training
- Activation of daily bicycle patrols and foot patrols throughout the five main reservation communities, in order to develop a presence in neighborhoods and to foster more positive interactions between citizens and police

### **Tribal Court Enhancement**

The primary goal of the Tribal Court enhancement program is to provide integrated services to the community and to improve juvenile rehabilitation services and programs. The CIRCLE Project helps by developing support staff and adequate resources to assist court personnel in arraignment, process service, research, data collection, and the timely production of court documents.

The Court consists of an elected full-time Chief Trial Judge and a full-time Associate Judge. Both are elected by tribal members to serve four-year terms. A Clerk of Court is appointed by the Chief Judge to serve a four-year term. Two Appellate Judges and a Pro Tem Trial Judge are chosen by the Tribal Council and appointed by the President to serve four-year terms. The two Appellate Judges and the Pro Tem Tribal Judge are paid on a case-by-case basis.

As a result of mid-1990s constitutional changes that mandated judicial independence, the Tribal Council passed a separation of powers ordinance on October 6, 1997. The ordinance provides for election rather than appointment of the Chief Trial Judge and Associate Judge and for the incorporation of traditional justice practices into the court system. These reforms link well with the Northern Cheyenne CIRCLE Project. Judicial independence and the separation of powers (which the ordinance supports through the election of judges) contribute to the strengthening of the justice system overall. Furthermore, opportunities for incorporating traditional means of justice may be particularly relevant for the youth-focused CIRCLE strategy. During interviews

for the CIRCLE evaluation, the Chief Judge indicated that the Tribe is interested in developing treatment for juveniles that addresses the recovery of the family as a whole. While recognizing that the juvenile is need of treatment, it is often the family situation that places the youth in trouble in the first place. Not only does this return to core principles behind the Risk Focused Prevention initiative, but also to an emphasis on traditional Cheyenne healthy family structures.

The CIRCLE Project has supplemented the work of the Court by providing funding for the employment of key personnel, including a process server, a law clerk, a youth intake specialist, and a part-time family judge. The process server is responsible for serving court documents throughout the reservation, including bench warrants, jury summons, and subpoenas. Additionally, using tribal and national voter lists, the process server has established a system for juror selection. The law clerk is responsible for assisting the judge(s) with research and writing of court documents. The youth intake specialist's primary task is to produce criminal histories of youth offenders for the Court. In order to ensure that judges receive a complete history on juvenile offenders so that they can craft appropriate court orders, the youth intake specialist not only compiles criminal record data from existing records<sup>84</sup> but also supplements this work with home visits, schools visits, and visits with other juvenile services staff.

### **Children's Justice Act Partnership for Indian Communities**

Through CIRCLE, the Northern Cheyenne Tribe has focused on enhancing services to victims of child sexual and physical abuse. There are a variety of CIRCLE-related activities in place to promote this goal. In particular, CIRCLE generated funds to hire a legal assistant, who assists the special prosecutor for these cases and helps ensure that cases are tried under the tribal sexual assault code as well as the federal Children's Justice Act. The legal assistant was hired in October 2000. (The special prosecutor is hired on an individual contract basis depending on the Tribe's need for services.) Other current activities in this area of CIRCLE include:

- Developing protocols and procedures
- Responding to the needs of victims of child abuse
- Updating the current Northern Cheyenne tribal code
- Identifying and securing training for the respective agencies dealing with child victims
- Staffing cases to prosecute in tribal court
- Providing education to the community about child abuse and the procedures for reporting abuse

There also are plans underway to train a forensic team that could assist with child sexual and physical abuse cases.

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<sup>84</sup> An informal database exists but is inconsistently maintained.

## **Violence Against Women**

Through CIRCLE funding, the Northern Cheyenne Tribe has been able to provide increased services to victims of domestic violence. This component of the CIRCLE Project is focused on the further development of the Healing Hearts Crisis Center. “The mission of the Crisis Center is to help end family violence by providing services to battered victims and their children... and by educating our communities through workshops and training sessions” (Northern Cheyenne Tribe 1998). CIRCLE funding has provided an additional advocacy position, supplies, equipment, and direct services for victims; in year 1 it also supported a study assessing the need for a reservation-based shelter. (There is not a shelter on the reservation – victims must travel as much as 110 miles to reach one.) Having identified the need, tribal victim services personnel then began the process of identifying a shelter site, visited other shelters to research their operations and procedures, produced draft operational and procedural manuals for the shelter, and developed draft schematic designs.

The CIRCLE Project is currently looking for funding to build a shelter. Until one is built, the Project will continue to assist with the transportation of victims to other area shelters. Other current activities include:

- Creation of a revised Domestic Violence Code
- Development of a new Memorandum of Agreement to be signed by all agencies and programs working with domestic violence clients
- Recruitment of a Domestic Violence Advocate
- Enhancement of community awareness of domestic violence issues and of services available to clients, children, and community members
- Safety audits of all programs involved with domestic violence issues on the reservation

## **Victims Assistance**

Prior to CIRCLE, the Northern Cheyenne Tribe provided direct victim services only in instances of domestic violence. With the help of CIRCLE funding, however, the Tribe was able to hire a Victim Witness Coordinator in June of 2000. Responsibilities for this position include assisting in program development for victims of crime and ensuring compliance with federal codes. Daily tasks include identifying resources for victims, managing a 24-hour crisis hotline, and organizing forums and conferences for victims and practitioners that address how best to help victims of crime. All work within this office is conducted under federal guidelines for dealing with victims of crime. In July 2000, the U.S. Attorney’s Office also hired a Victim Witness Coordinator for the Northern Cheyenne Reservation. To avoid duplicating services, the two Coordinators met in January of 2001 to discuss protocol. Also attending the meeting were the FBI’s Victim Witness Assistant, the Tribe’s Chief Prosecutor, the U.S. Probation Officer for Northern Cheyenne, and the CIRCLE Project Coordinator. It was determined that all cases to be prosecuted in federal court would be referred to the FBI’s and/or U.S. Attorneys Office victim assistance program and that all cases being prosecuted in tribal court would be handled by the tribal (CIRCLE-funded) program.

The goal for this CIRCLE component is to create a change in the community's awareness, knowledge, and behavior concerning crime, violence, and victimization.

### **Tribal Youth Program**

Implemented in fiscal year 1999, the Tribal Youth Program targets youth ages 5 to 18 years old and provides them with services designed to prevent, divert, reduce, and control juvenile crime and delinquency on the Northern Cheyenne Reservation.

One of the Program's major accomplishments, facilitated by the Northern Cheyenne CIRCLE Project, is the creation of Memoranda of Agreement with the Northern Cheyenne Tribal Court, Northern Cheyenne Office of Prosecution, and the Northern Cheyenne Boys and Girls Club. Each MOA outlines the roles and responsibilities of the signatory agencies and organizations, the duration and management of their joint work, the cooperative parties' financial and administrative relationships, and the future of the program.

Another accomplishment is the creation of a Community Restitution Coordinator position (funded by CIRCLE); the Coordinator is responsible for establishing restitution agreements and ensuring that youth offenders make their restitution payments. This entails the assignment of youth offenders to community service projects and making sure that the time sentenced is served. Community service projects may include eliminating graffiti on public buildings, chopping wood for elders, cleaning parks and roadsides, and so on. The philosophy is that the projects will not only provide much needed services to the community but also help bond the youth to their communities and help them recognize that their actions have consequences.

### **Volunteers for Northern Cheyenne Youth**

The Volunteers for Northern Cheyenne Youth (VNCY) program aims to create positive opportunities for at-risk youth through the development and implementation of a mentoring program. VNCY coordinates with the existing Juvenile Mentoring Program (JUMP), which is administered through the Boys and Girls Club. Essentially, VNCY expands and enhances mentoring services and opportunities for at-risk youth. The program focuses on utilizing positive alcohol and drug free adult leaders (police officers, teachers, judges, elders, etc.) from the Northern Cheyenne community to serve as mentors for 12 consecutive months. Similar to JUMP, VNCY will be both school and after-school based and will focus on providing at-risk youth with guidance, friendship, and structure.

### **Construction of a Juvenile Correctional Facility**

Federal rules specify that juvenile offenders must be detained in a wholly or effectively separate facility from adult offenders. That is, there must be separation from the adult population by sight and sound, and the jail must employ juvenile-specific detention guards. Since the Tribe has only one jail, issues over the placement of juvenile offenders have occurred, and the Court is attempting to find alternative ways of sanctioning youth offenders. Unfortunately, one of the common alternative sanctions employed by the Tribal Court, community service, has often been ignored. Tribal youth simply have refused to complete the assigned hours of community service. Given the lack of viable consequences, lack of space has even become a stumbling block to the prosecution of juveniles.

The CIRCLE Project allows the Tribe to craft a more appropriate response. Through CIRCLE, the Tribe is working to plan, design, and construct a youth detention, rehabilitation, and education facility. More specifically, it will provide secure detention for juveniles, a group home, an alternative school, a vocational training center, and a medical health center. The hope is that the facility will offer all available resources under one roof – a comprehensive continuum of care – for youth and their families, and a system of graduated sanctions that is rationally imposed by the Tribal Court in accordance with the severity of a youth’s offense(s).

CIRCLE funding has allowed the Tribe to hire a Construction Program Manager who is responsible for overseeing the facility planning team and for seeing the building project through from the design phase to construction. The planning team includes representatives from agencies involved in the CIRCLE Project, the BIA Area Office Engineering Department, and the Tribal Employment Rights Office. Construction also is funded primarily through CIRCLE, with a 10% match from the Tribe. At the time of writing, ground had been broken, but construction had yet to begin in earnest. The facility is slated to open in 2003.

## **VII. Evaluation Template**

As part of the overall evaluation, the three colleges affiliated with the CIRCLE sites were each granted \$7,500 to assist in Phase I evaluation activities. At Northern Cheyenne, Chief Dull Knife College used a portion of its money to hire two consultants to assist in articulating the Project’s theory of change. The two consultants are both experienced in the implementation and evaluation of comprehensive community-based initiatives.

Prior to the second site visit by external members of the evaluation team, the consultants worked closely with the Steering Committee to develop an understanding of the design and implementation of the Northern Cheyenne CIRCLE Project. During these meetings, the Steering Committee identified two key issues they wanted the evaluation to address: (1) the development and “health” of the partnerships within the CIRCLE Project and (2) the degree of overall comprehensiveness of the program. Therefore, the evaluation template focuses on three sets of individuals who can provide information about one or both of these topics:

- Participants (or clients and their families who have been served by the CIRCLE Project)
- Partners (primarily Steering Committee members)
- Staff (of the partner programs in CIRCLE)

Together, the Steering Committee, on-site evaluation partners (Chief Dull Knife College personnel and their contracted consultants), and external evaluation partners (from the Harvard Project on American Indian Economic Development) determined that implementation of the evaluation would consist of two main activities: (1) written surveys (to be administered to

individuals within each of the categories noted above) and (2) interviews with staff and directors of the partner agencies/programs.<sup>85</sup>

The Steering Committee sees the surveys as providing information that will help summarize the Project's current accomplishments in terms of partnership and comprehensive service provision and that will benchmark future progress toward these goals. They see the interview portion of the evaluation as a critical supplement to the survey data. The interviews should provide more qualitative and in-depth insight into the development of partnerships, the partners' and staffs' understanding of the initiative's objectives and of their own responsibilities toward CIRCLE, and the success of the Project in meeting its goals. The Steering Committee requested that the external evaluation team members conduct as many interviews as possible during their second site visit, and it supplied both a list of desired interviewees and of core interview questions. Prior to the site visit, all evaluation team members had an opportunity to comment on the proposed survey questions, interviewee list, and interview questions.

The remainder of the \$7,500 granted to Chief Dull Knife College was used to support survey activities. Some of the funds were used to train and compensate Chief Dull Knife College students who administered the three groups of surveys. A small portion of the funds was used to purchase gift certificates to a local store to compensate clients and their families for taking the time to answer the surveys.

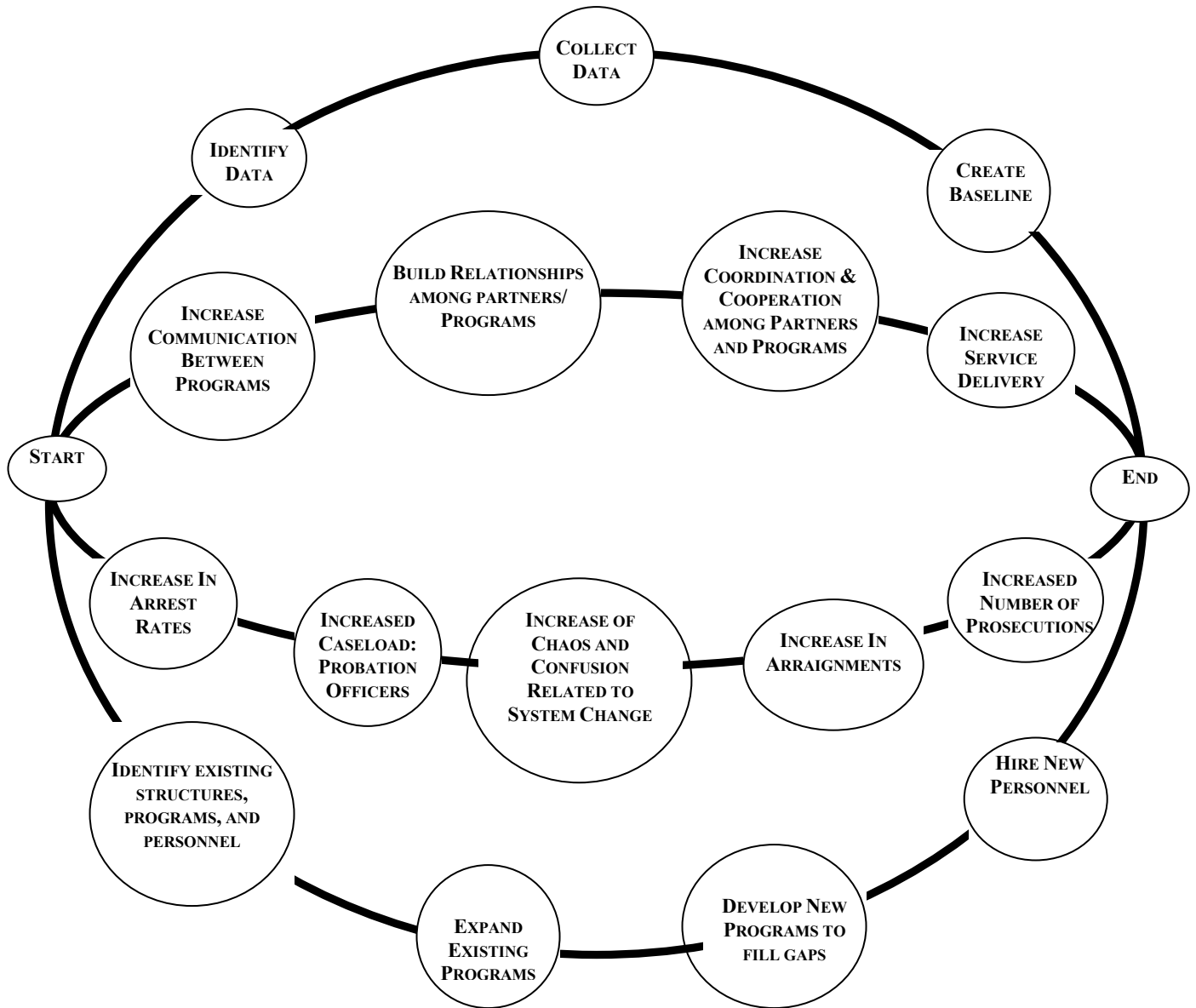
## **VIII. Phase I Evaluation Results**

Phase I of the CIRCLE Project evaluation focuses primarily on process – whether or not the tribal sites are succeeding in implementing the strategies they designed at the outset of CIRCLE, how they have done so, stumbling blocks encountered, and so on. Because the evaluation asked the tribal partners to clarify the logic or theory behind their strategy, it also suggests a framework for thinking about outcomes that would signal progress and success of the initiative overall. This section sheds light on the success of the process and on preliminary outcomes issues using data from the interviews and surveys and a limited set of quantitative criminal justice system data that the evaluation team was able to collect. It is organized according to the expected early outcomes listed in the evaluation template (Table 1) developed by the Steering Committee. These ideas also are depicted in Figure 1; additional outcomes were identified during the evaluation process and added to the diagram. Each early outcome/milestone represents evolution according to the theory of change expressed by the Steering Committee.

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<sup>85</sup> For privacy and logistical reasons, the Steering Committee did not feel it would be possible to conduct interviews with clients or their families as part of this first, 18-month phase of the CIRCLE evaluation. However, they envision that any future evaluation efforts *will* include in-person client interviews: on written surveys administered to clients during the first phase of the evaluation, families are asked if they would be willing to be part of any future evaluation activities, and respondents who agree might be available for in-person interviews during the next round.

**Figure 1: Early Outcomes/ Milestones for the Northern Cheyenne CIRCLE Project**



As noted above, the Steering Committee has been particularly interested in the initiative's comprehensiveness and the "health" of its partnerships. These issues are introduced first in Table 1 and discussed specifically below. However, an introductory summary is useful. Survey and interview results indicate the following:

- The CIRCLE Project has a core group of dedicated staff and partners who have a history of working together and who believe the CIRCLE Project is making a difference in their community.
- There is less communication among the broader set of CIRCLE partners and their staffs, which has limited system-wide understanding of CIRCLE programs, services, and goals.
- Although most clients and families are satisfied with the services they have received from the CIRCLE Project, many remain unaware of the full menu of services available and would like to know more about other services offered.

### **Increase in communication among partners/ programs**

Both the interviews of the staff and surveys collected (11 total) indicate a relatively low level of communication between programs. In contrast to their relatively frequent communication with the CIRCLE Coordinator and tribal administration, most program staff report that they "Rarely" or "Never" engage in inter-program communication.

When asked which CIRCLE Project programs they were aware of, 8 of 11 staff members were aware of the Tribal Youth Services offerings, and 6 reported awareness of the Youth Service Center. Two (but not the same two for each program) reported that they were aware of the CIRCLE Project's Tribal Court Enhancement component, Law Enforcement Enhancement components, Volunteers for Northern Cheyenne Youth component, Victims Assistance in Indian Country component, and Violence Against Women component. A single respondent was aware of the Children's Justice Act Partnership.

Two of the staff surveyed "Strongly Agreed" that they had a good understanding of the role(s) of each team member participating with or in the Northern Cheyenne CIRCLE Project, four staff members "Agreed," two recorded a "Neutral" response, one staff member "Disagreed," one "Strongly Disagreed," and one responded that the question "Does Not Apply."

### **Building Relationships among Partners/Programs**

Throughout the interviews, it was made clear that staff members felt that the building and maintenance of partnerships, both internally and externally, were vital to the success of the CIRCLE Project. However, only a few individuals felt that CIRCLE had contributed to the development of partnerships with the staff of the other CIRCLE Projects; a few also indicated that CIRCLE had contributed to the development of partnerships externally (that is, with local non-tribal agencies and federal agencies). The majority of those interviewed did not indicate that CIRCLE had contributed to the building of relationships among local partners and/or programs.

### **Increase in Coordination and Cooperation among Partners/Programs**

When asked whether or not they were satisfied with the number of clients who were referred to them by other programs, only three of the staff surveyed “Agreed” and another three replied that the question “Did Not Apply”; two were “Neutral”; one “Disagreed”; and no one “Strongly Agreed” or “Strongly Disagreed.” The reverse relationships are weak as well: When asked how often a staff member referred clients to other CIRCLE programs, the majority responded that they “Rarely” or “Never” did so.

The interviews also indicate that the lack of communication between programs, and the resulting lack of knowledge of other participating programs, has contributed to a noted lack of coordination and cooperation among programs. Several program managers indicated that they were not even aware of who was on the CIRCLE Steering Committee.

### **Increase in Service Delivery**

Since this is the first round of CIRCLE Project evaluation, there is no previous data that, through comparison, would indicate increases or decreases in overall service delivery (this may be possible in Phase II of the evaluation).

However, the data do provide some useful insight into service gaps. When asked if they were satisfied with the services received through the CIRCLE Project, 27% of the 81 clients/families surveyed responded that they “Strongly Agree,” 36% responded with an “Agree,” and 22% were “Neutral.” Only 4% answered with a “Strongly Disagree.” Although the survey data suggest that clients and their families were generally satisfied with the service(s) they have received from the CIRCLE Project, they also indicate that clients and their families are not aware of all the programs available. When asked which CIRCLE Project programs they were aware of, most respondents marked only a few programs on the list. Typically, only 20% of respondents indicated an awareness of any given CIRCLE program. Only one program was known by more than 25% of the survey respondents – the Tribal Youth Services program. Indeed, this program had *much* greater visibility than any other, with 53% of respondents indicating an awareness of the program and its services. Initial evaluation data indicate that clients were informed of their available choices and options by CIRCLE staff (26% responded “Strongly Agree,” 36% “Agree,” and 15% “Neutral”). Although this may be true, the staff survey data indicate that the staff themselves were not aware of the full range of other programs, so could not have informed clients of all available options.

### **Increase in Caseload: Probation Officers**

There was a limited amount of case disposition data available for the evaluation effort. The only complete annual data was for 2000, which showed that both the number of cases disposed and the number of cases that resulted in probation increased somewhat from January to December 2000 (although the *percentage* of cases disposed that resulted in probation remained relatively constant). CIRCLE monies created two juvenile probation positions, and based on the 2000 disposition figures alone, each officer would have had a fairly manageable caseload (18 youths per month). However, the tribal court’s push for diversion rather than prosecution increased these caseloads substantially. Hiring lags, training needs, and high turnover placed additional strain on the probation function and further limited the officers’ effectiveness. More data are needed to understand the longer-term probation trends.

### Increase in the Number of Prosecutions

As discussed immediately above, arrest and disposition data are limited at present. What data do exist indicate that the number of prosecutions has increased during the period of CIRCLE implementation. However, as of April 2000, the CIRCLE Project also has implemented automatic diversion of youth offenders from the courts for a potential alternative sentencing process. This should dramatically decrease the number of prosecutions in the future.

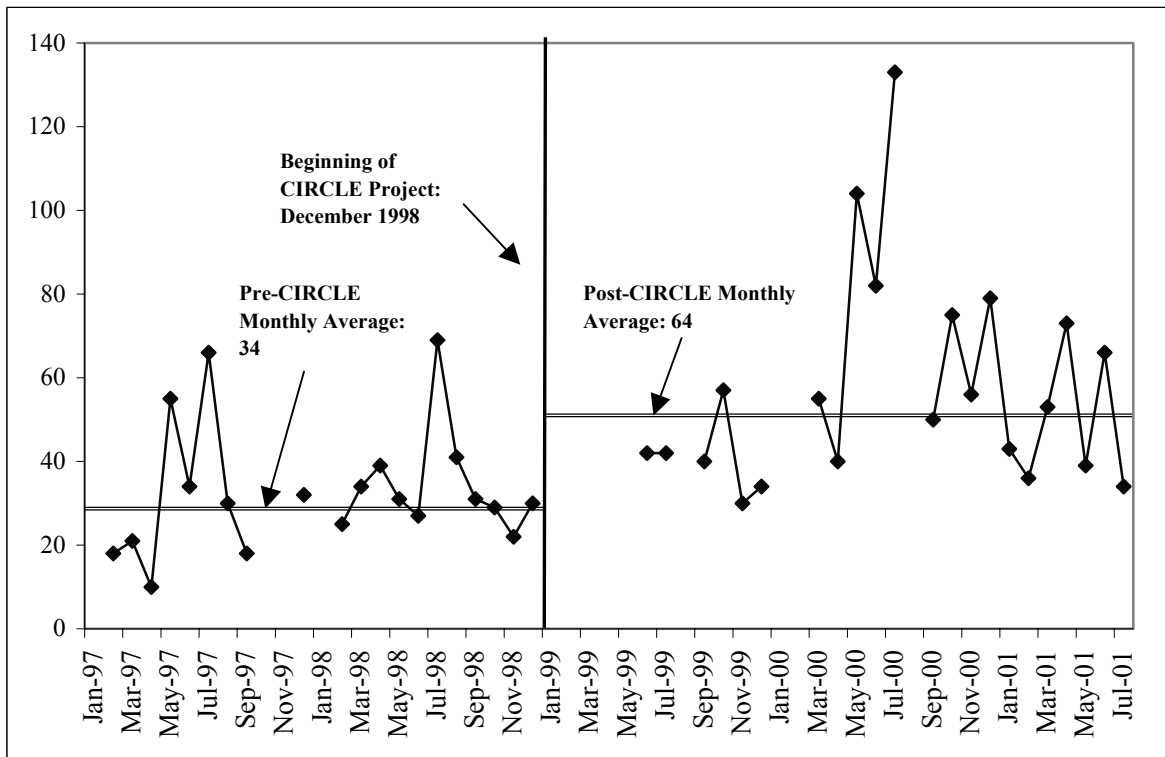
### Increase in the Number of Arraignments

Data for the year 2000 indicate an increase in arraignments. More comprehensive data collection is needed to indicate the long-term trend in arraignments. Increases in crime rates would indicate that arraignments would increase as well.

### Increase in Crime Rates

Although data collection is incomplete, the data do seem to indicate that, on average, arrest rates for juveniles are increasing (see Figure 2). This is particularly true in the months following the implementation of the CIRCLE Project (December 1998 onward).

**Figure 2: Juvenile Arrests per Month (Jan. 1997- July 2001)**



Reflecting on this information, several caveats are important. First, results are preliminary; additional data and analysis are needed to determine the true impact, if any, that the CIRCLE Project has had on juvenile arrest rates and other crime indicators, such as court arraignments, probation rates, and diversion program participation. Second, the time period under consideration

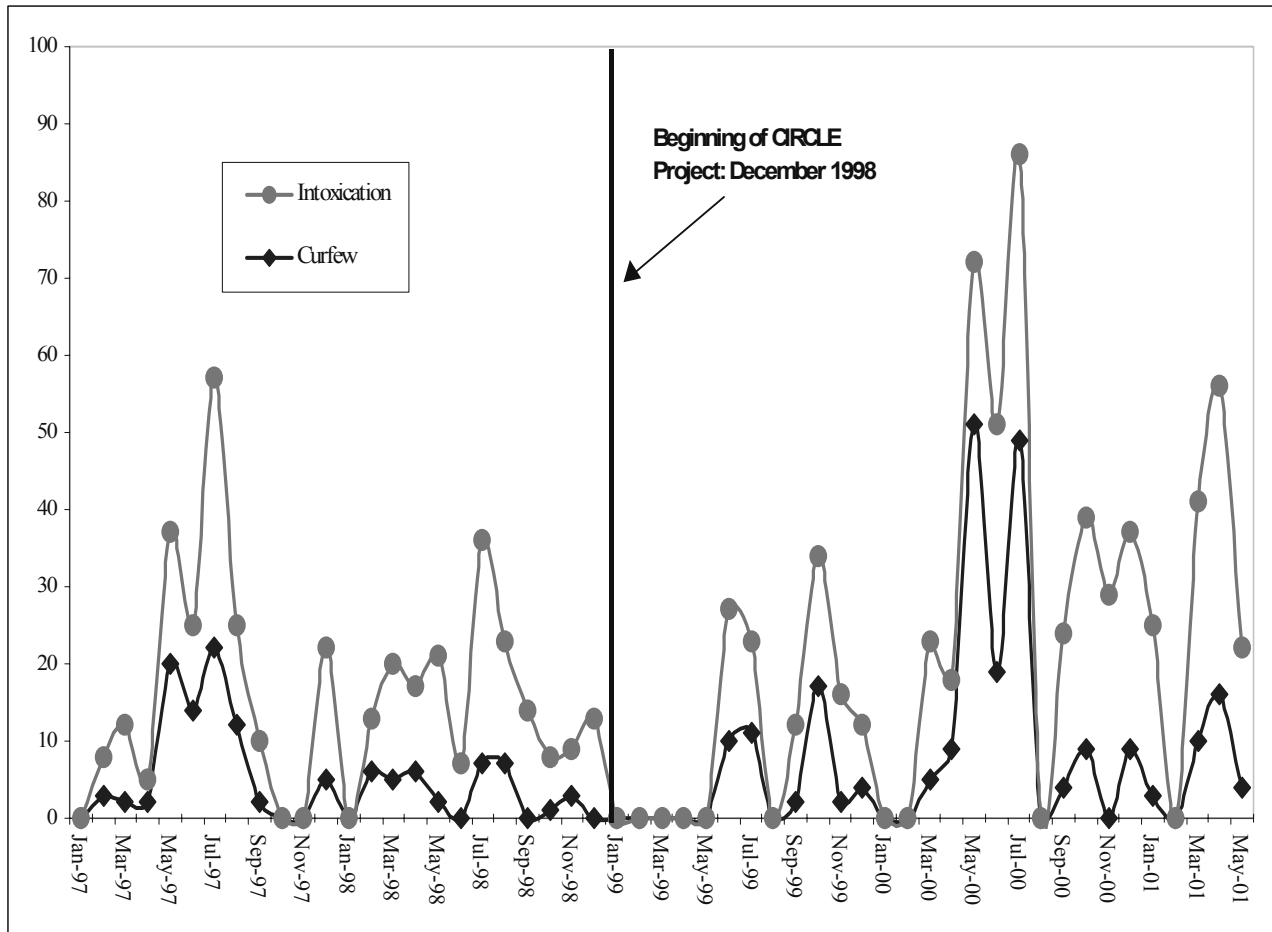
also affects the conclusions that can be drawn. Even if further analysis supports the preliminary finding, data in Figure 2 are indicative only of CIRCLE's early stages, not its longer-term impact. Third, any quantitative analysis must be examined in the context of other known facts about the Project. For example, it is not necessarily the case that an increase in arrest numbers indicates an overall increase in criminal activity. Instead, the change must be viewed in light of the increased police presence and activity due to the implementation of the CIRCLE Project (and, potentially, of CIRCLE-motivated or community policing-motivated increases in crime reports). Indeed, qualitative data collected from police and other CIRCLE staff points toward the interpretation that the upward trend is due more to the increased police presence than to an increase in criminal activity.

The crimes driving the apparent increase in crime rates are non-violent offenses such as intoxication and curfew violations (see Figure 3), which historically have accounted for the largest percentage of juvenile arrests. Again, it should be stressed that the dataset is not complete enough to determine whether the implementation of CIRCLE has impacted juvenile arrest rates for these violations. However, a gross comparison of the pre- and post-CIRCLE monthly averages<sup>86</sup> mirrors the preliminary finding above. There was an 81% increase in the average number of monthly juvenile arrests for intoxication violations in the months after CIRCLE implementation as compared to the months before (25.77 per month after CIRCLE versus 14.35 before), and a 114% increase in the average number of juvenile arrests for curfew violations (15.67 per month after CIRCLE versus 7.31 before). With a greater police presence on the streets and a greater focus on the prevention of serious juvenile crimes, it might be the case that police are targeting misdemeanor violations in an attempt to deter juveniles from committing more serious offenses.

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<sup>86</sup> Averages help make sense of data that otherwise have considerable variance.

**Figure 3: Juvenile Arrests per Month for Intoxication and Curfew Violations (Jan. 1997 – May 2001)**



The limited quantitative data gathered by the evaluation team shows a slight increase in assault and other violent offenses between January 1997 and July 2001. However, the numbers are relatively low and a very small percentage of the overall juvenile crime rate. The small increase in violent offenses and the contrasting perception by the CIRCLE staff that juvenile violent crime is increasingly problematic is perplexing; evaluators will consider this issues closely once the dataset is complete. In the short term, the evaluation team has taken note of several hypotheses. For one, the recent small spike in and increased concern about juvenile violent crime could be related to a broader phenomenon: nationwide, there is a trend of youth posturing as gang members, even where gangs are not traditionally found. Alternatively or additionally, juvenile violent crime at Northern Cheyenne may be linked to drug activity on the reservation; informants note that this correlation has held up in the past and that qualitative data suggest a connection between the recent (small) increase in crime and a surge in “huffing” (inhaling chemicals).

Looking to the future, monthly numbers of repeat offenders are another important type of data that should be collected, as well as the number of prior arrests per offender. These data are currently unavailable but are being compiled by CIRCLE Project staff. External evaluation team members were told during the third site visit that law enforcement’s sense is that there is a small,

core group of juveniles who account for the majority of juvenile crimes on the reservation. Preliminary quantitative data do indicate that there is a high recidivism rate among juvenile offenders. Together, the insiders' observation and the quantitative data suggest that the CIRCLE initiative at Northern Cheyenne potentially should refocus its efforts to stop juvenile offenders from repeating criminal activity after their *first* contact with law enforcement. What the data cannot show, however, is the number of youth the CIRCLE Project is keeping from coming in contact with law enforcement in the first place. The preventative aspects of the CIRCLE Project are the most difficult to measure, and qualitative data that highlight success in this area should be taken into account with the more easily measured quantitative trends.

### **Increase in Chaos and Confusion Related to System Change**

The Steering Committee listed requests for clarification and expressions of anger or frustration as indicators of an increase in chaos and confusion related to system change. Although the evaluation team did not have the opportunity to examine all of the measurement tools identified (verbal and written communications, survey questions to all three groups, steering committee agenda items, minutes of meetings), there were some clear indications from staff that there has been an increase in system chaos and confusion. The increase has been perpetuated by the lack of communication between CIRCLE programs and partners.

## **IX. Other Relevant Findings**

Evaluators felt that a number of additional findings were important to the on-going development of the CIRCLE Project. These are listed below.

### **Lack of Public Awareness**

As a whole, interview responses suggest that CIRCLE should be doing more to educate tribal members about the Project. This may be a tall order. The Project Coordinator has neither the time nor the financial resources to engage in much community education. Personnel turnover problems are a further constraint, since employees that have been on board for a shorter period of time may be less able to teach community members about the Project overall. While the CJC and several other CIRCLE staff attend district (community) meetings when they can, the meetings are often poorly attended by community members themselves. Given the dispersion of the reservation's population and most residents' relatively limited transportation options, there are few other opportunities to address a large audience about CIRCLE Project issues. How to get the CIRCLE message out to the public at-large is a problem to which neither the CJC or the Steering Committee has been able to find a good solution.

### **Insufficient Data Collection and Analysis Capacities**

Collecting and analyzing criminal justice data anywhere is often difficult and time consuming. The difficulty of collection is further compounded in Indian country by the lack of automated data systems and skilled personnel responsible for maintaining and updating data records. The situation at Northern Cheyenne is a case in point. The majority of the Tribe's criminal justice system data is kept in a paper format and organized in a piecemeal manner, and there is only one person on the CIRCLE staff who has the capacity to enter and analyze it. As a result, law enforcement and other CIRCLE staff have very limited access to crime data. Putting an

automated crime data system in place at Northern Cheyenne (along the lines of Full Court at Zuni) might solve this problem, but such a solution also would require a high level of staff training in computer systems and database management.

### **Lack of Resources**

Despite the vast array of funding sources offered through CIRCLE, the Project at Northern Cheyenne remains constrained by a lack of resources – CIRCLE programs’ budgets tend to be adequate to accomplish the bare minimum of goals. What is most dramatically missing at Northern Cheyenne is a relatively small amount of discretionary funding that can be used to fund, among other things:

- An administrative assistant for the Coordinator
- The payment of insurance, inspection, operations, and maintenance costs of the new police vehicles (that sat idle for more than a year for want of such monies)
- A weekly newsletter to help spread the word about CIRCLE programs, staff, services, and activities
- An Updated computer equipment
- Supplementary training in areas such as program management and basic computer skills

### **High Personnel Turnover**

The lack of consistent oversight and management of employees has contributed to high personnel turnover. Another important factor contributing to turnover may be the actual hiring process; job descriptions may have been vague or unclear and may have attracted people without the necessary skills or desire to adequately contribute to the overall mission of CIRCLE. While the solution to this problem seems clear – to improve the job descriptions and to actively recruit particular individuals for the tasks – it may not be easy to implement. As the person who is currently responsible for managing all CIRCLE activities and for finding the funding for current and future employee salaries, the CJC has some involvement in the hiring process, but it is limited. Similarly, the programs for which CIRCLE funds positions have limited input. Instead, the Northern Cheyenne Tribe human resources staff takes primary responsibility for writing the job descriptions, fielding applications, and hiring of all employees whose positions are funded with CIRCLE grant dollars.

### **The Desirability of Greater Support from Tribal Officials**

The foregoing problem raises a larger issue with the CIRCLE Project at Northern Cheyenne, which is that the tribal administration plays an important, although latent role, in the initiative’s success. Unless CIRCLE can garner not only the support, but the active involvement of the Tribal President, Council, and key members of the executive branch/tribal administration, the Project’s work will be harder than it might be. Members of the Steering Committee noted that their overall goal is really to build a “justice department” for the Tribe – but when programs as similar as youth probation and community service are not under one roof (one of several possible examples of discordant justice system organization that arise from a “get a grant here, a grant there” development process), this goal may be elusive without the express involvement and

exercised authority of tribal principals. Time and again, though, the evaluation team were told that this more active involvement was unlikely at present, not because support for CIRCLE was lacking, but because political energy was a scarce resource and much was currently being directed toward activities that had been deemed more important. In particular, tribal principals are concentrating on maintaining the judicial independence and separation of powers specified by a recent constitutional amendment and implementation ordinance.

## **X. Potential Ways Forward**

The Northern Cheyenne Tribe developed a strong foundation for CIRCLE to build upon. With this foundation and the more recent investments of CIRCLE, it appears that many pieces are in place to effectively address the Tribe's youth crime problem. Indeed, some preliminary indicators suggest that the Project already has begun to meet the expected goals of the Steering Committee. An important outstanding concern, however, is whether or not financial resources can be found to sustain the process of strategic, comprehensive system development on a long-term basis. If resources can be secured, the CIRCLE Project can continue to play an integral part in the overall nation building process at Northern Cheyenne.

For the short term, the evaluation team has identified potential ways to move the Project forward. Several of these ideas also were identified in the Tribe's first CIRCLE application:

- Strategic visioning and planning
- Community building
- Leadership development

Other recommendations include:

- Develop a CIRCLE Project newsletter to be mailed to all reservation residents, tribal members, and others identified by the Steering Committee
- Actively involve the Tribal Council, as the governing body for the reservation, in the CIRCLE Project

(To achieve this, the CJC should keep the Council briefed on all aspects of CIRCLE; involve Council members in training and development opportunities and consider developing specialized programs for the Council; and firmly link the CIRCLE Project with the issues that most occupy these leaders, especially the enforcement of recent constitutional reforms – after all, CIRCLE is also about strengthening the justice system.)

- Develop teambuilding activities for the CIRCLE Project Steering Committee and staff

(It is important for this group to maintain a high level of team spirit, develop the characteristics and behaviors that its desires in others, and serve as a model for others.)

# Community and Nation Building at the Oglala Sioux Tribe: The Oglala Sioux CIRCLE Project

## I. History of the Oglala Sioux Tribe

In order to understand the Oglala Sioux Tribe's goals for the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project and its implementation process, one also must understand the Tribe's history, culture, and current cultural and political context. That is, a project such as CIRCLE cannot be understood in a vacuum – its goals, implementation, and results are inherently tied to context. This section provides some contextual perspective, although it is not meant to be a complete history of the Oglala Sioux Tribe (OST) nor a full description of the nation's culture and current political environment. Rather, it is meant to provide a basic understanding of the history and culture that are woven into the Tribe's CIRCLE Project.<sup>87</sup>

The Oglala Lakota are one of seven subdivisions of a larger Lakota-speaking linguistic community variously called the Teton-Dakota, Teton, Sioux, Western Sioux, or simply Lakota; in turn, the Lakota are one of seven divisions of Oceti Sakowin, the Seven Fireplaces, which includes all "Sioux" tribes and speakers of not only Lakota, but also Dakota and Nakota. During the 17<sup>th</sup> century the Lakota people lived in what is now Minnesota; they relocated to the high plains in the 18<sup>th</sup> century, to an area that is now largely encompassed by the state of South Dakota. The Fort Laramie Treaty of 1851 guaranteed peace between the United States Government and signatory Indian nations (including the Lakota), delimited the territories of each party, bound each Indian nation to choose a principal chief, and provided for annuities to be paid by the U.S. Government to the tribes. The Fort Laramie Treaty of 1868 established the Great Sioux Reservation, which included all of present day South Dakota west of the Missouri River. In 1876, a United States Commission compelled a few Lakota to sign an agreement ceding the Black Hills, an agreement that not only was secured through duress (the Lakota signatories were offered a choice between selling and starving) but also was in violation of the 1868 Treaty (which required approval of three-fourths of the adult males for any land transactions). The Great Sioux Reservation was partitioned in 1889 into six smaller reservations, including the Pine Ridge Reservation, which is the contemporary homeland of the Oglala Sioux Tribe.

The Office of Indian Affairs (OIA), a precursor to the Bureau of Indian Affairs, used many means for controlling Indian behavior. Agency courts and police forces were two such means. In particular, in 1883 the U.S. Department of Interior issued a code for a "Court of Indian Offenses" (CIO) at each reservation-level OIA agency; among other things, the code included prohibitions of the Sun Dance, plural marriages, and the practices of medicine men. Although three Indian judges were to preside over cases, OIA Agents appointed them, and often, an Agent applied the provisions of the code without the judges. The Agent enforced the code through Indian policemen appointed and paid by the Office of Indian Affairs, and the Agent himself served as

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<sup>87</sup> The external evaluation team members do not consider themselves experts on Oglala history. They have, however, taken the time throughout this phase of the CIRCLE evaluation to learn as much as possible about the Oglala Sioux Tribe's history and people.

the commander of this police force. As early as 1879, the Agent at Pine Ridge appointed and swore in fifty Oglala men “to serve the Great Father [the U.S. President] and him only” (Biolsi 1992, p. 7). Their first action was to prevent a party of Cheyenne who resided at Pine Ridge from leaving to join Sitting Bull’s band in Canada. The leader of the party was killed, and the Agent informed the Oglala, “Remember this...you have seen the power of the police; they represent the Great Father” (*ibid.*). Thus began the domination of the Oglala Lakota by the United States through a Western-style court system and police force. (See Biolsi 1992, pp. 7-10, for additional detail.)

The impact of this history cannot be underestimated. Many contemporary Oglala Lakota still distrust Western-style court systems and law enforcement. Indeed, OST CIRCLE partners noted that receiving funding from a federal agency often makes their jobs more difficult – some community members see their work as self-interested (that they are there just to collect a pay check) or as being performed on behalf of the federal government rather than the tribal community (as was the work of the early CIO judges and police). No matter how good the CIRCLE partners’ work, history makes it difficult for these community members to see that (for example) the tribal Victims of Crime Office, CASA Program, or CIRCLE Project are trying to do things to help the Oglala people. This sentiment is an enormous obstacle to overcome. It means that the CIRCLE partners and Coordinator must deal with the day-to-day problems of the justice system as well as with the system-related pain and distrust that have built up through years.

In 1934, the Oglala Sioux Tribe accepted the provisions of the *Indian Reorganization Act* (IRA) by a vote of 1,169 to 1,095, with some 56% of the eligible voters attending the polls (Biolsi 1992, p. 78). Not only was this a slim margin for the passage of a constitutional vote,<sup>88</sup> but some of the positive votes may have been based on the anticipation of material benefits (perhaps even the return of the Black Hills [*ibid.*, pp. 78-79]) rather than on informed opinions about the Act. Work on the Oglala Sioux Tribe constitution began in 1935, and although there were constitutional committees comprised of Oglala citizens, the options they were able to consider were not representative of the intentions of committee members, the Tribal Council, or the Oglala Lakota people. Instead, OST was allowed to develop an “IRA constitution,” based on a model and checklist provided by the Office of Indian Affairs, the elements of which were promoted (many would say “imposed”) without regard for indigenous culture or governance traditions. (See Biolsi 1992, pp. 92-108 for additional detail.)

The Oglala Sioux Tribe’s IRA-constituted Tribal Council historically has faced and continues to face opposition. For example, after the creation of the IRA Tribal Councils, the indigenously formed Treaty Councils on the Rosebud and Pine Ridge Reservations refused to disband and refused to recognize the authority of the Tribal Councils. The Treaty Council at Pine Ridge registered its disapproval of the Tribal Council through protest votes and resolutions, including a vote that protested the use of tribal funds by the Tribal Council without the people’s approval and a 1937 resolution to “abolish the new Indian Reorganization...for the reason the officers of the Oglala Sioux Tribal Council every time calls for monthly meeting they receiving a great deal

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<sup>88</sup> In the U.S. system, constitutional votes require a super-majority. Even for *day-to-day* decisionmaking, the Oglala Treaty Council, a body that relied on fairly traditional practices, used a three-quarters approval rule.

of Tribal funds without consent from the Pine Ridge Indians” (Biolsi 1992, p. 156). A 1939 audit added to the Treaty Council’s distress. It revealed that the Tribal President had received \$210 without proper accounting and that he was issued \$2,918.32 in checks for per diem and expenses; in other words, he had received a substantial amount of money in addition to his salary (*ibid.*, pp. 158-9). The Treaty Council filed a petition with the federal government to call for a tribal referendum on the repeal of the Oglala constitution, but it was never called. The Tribal President was impeached in 1941 for embezzlement.

The Oglala people’s struggle to rebuild tribal government to reflect their values, rather than the values or culture of the United States, continue today. In 2000, the Grassroots Oyate (or “Grassroots People”) initiated a peaceful takeover of the tribal government administrative building to protest the legitimacy of the Tribe’s formal government structure. The Grassroots Oyate occupied the building for approximately one year. Similar to the protest in 1939, one of their demands was for the removal of the OST Treasurer for corruption; indeed, six of the nine district governments enacted resolutions calling for removal of the Treasurer, but the central tribal government refused to consider these resolutions. Also during this time, the FBI seized records and equipment, and federal charges were filed against several tribal political and administrative officials. Eventually, the Tribal Council suspended the Tribal President. The crisis’ connections to law enforcement and justice were wide sweeping: the Tribal Council removed supervisory authority over law enforcement from the tribal Department of Public Safety (and from its commissioners and review boards) and placed this supervisory authority with the Council’s Judiciary Committee, and despite 22 years of tribal management, the Council retroceded tribal criminal investigation responsibilities back to the BIA.

The elections in 2000 signaled tribal citizens’ frustration with this situation. Only two of 17 Tribal Council members were re-elected. The new tribal administration restored supervisory authority over law enforcement authority to the Department of Public Safety and undertook a variety of other actions to restore peace to the community.

An important point underlying these political stories is the fact that Oglala culture, a distinct lifeway from mainstream, Western culture, not only has influenced historical processes at Oglala Sioux but continues to influence tribal governance, justice policy, community relations, and so on, today. Oglala culture has survived despite high unemployment, high crime rates, and other social ills. Indeed, many would argue that culture itself sustains the Oglala (not the other way around). For example, practices such as the Wiping of the Tears Ceremony help the Oglala move forward after losing loved ones. And distinct Oglala culture is evident in many aspects of CIRCLE and the Tribe’s justice programs – from the Wocekiye (words of wisdom and encouragement) held at the beginning of each CIRCLE meeting and the sweat lodges for youth in Kiyuksa Otipi (the Kyle Youth Detention Center) to the CIRCLE team’s dedication to healing community members through improved justice system functioning.

## **II. Demographics and Socioeconomic Conditions**

The Pine Ridge Indian Reservation covers 4,500 square miles in southwestern South Dakota. Approximately 40,000 Indians (mostly Lakota) and 4,000 non-Indians reside on the reservation. Eighty-five percent of the reservation workforce is unemployed, and of those that are employed,

19% live below the poverty level (Bureau of Indian Affairs 1999). Alcohol is a pervasive problem, especially among youth, who comprise approximately 40% of the tribal population (*ibid.*). Of the 1,093 youth housed in Kiyuksa Otipi (Kyle Juvenile Detention Center) at some point during 2000, 65% had been sentenced to charges that included public intoxication (Oglala Sioux Tribe 2000).<sup>89</sup> The Oglala Sioux Tribe Department of Public Safety fiscal year 2000 report notes 11,606 adult arrests for drunkenness (OST Department of Public Safety 2001).

### **III. Community and Nation Building in the CIRCLE Project**

The community building (horizontal relationships) and nation building (vertical relationships) challenges associated with the CIRCLE Project are tremendous – and more broadly, critical to the development of a more stable form of government at OST. Horizontal relationships refer to those relationships community members build with each other as families, clam members, band members, and tribal members. Vertical relationships are the relationships developed between the government and its people. Generally, if people cannot forge horizontal relationships and strategies for interaction, they are unable to build the much-needed vertical ones. Thus, to first build community, OST members/citizens must come together and get along, or at a minimum, confront conflict (via a justice system) peacefully. Once community is possible, the people as a nation can formally decide how things are to be run; that is, they can determine the form of OST government. Recent troubles at OST demonstrate that the community and nation have been pulled apart as a result of events in their history. However, the picture also shows groups of individuals, such as Oglala Oyate Iwiciyakapi Okolakiciyapi (OOIO, or the Society to Strengthen/Defend the People and Families) and CIRCLE, which are working together to rebuild the community and nation.

OST's CIRCLE Project facilitates both vertical (Tribal Court, Department of Public Safety, Corrections Facility) and horizontal (SuAnne Big Crow Boys and Girls Club, Runaway Homeless Program) relationship development. Additionally, the CIRCLE Project is trying to accomplish tasks that are at the crossing between vertical and horizontal relationships (Tribal Youth Program, Court Appointed Special Advocates, Victims of Crime Office, and the database project at Cangleska). These latter programs are addressing both community and nation building responsibilities simultaneously; they provide places for people and government to meet, as well as procedures and processes that aid in the resolution of personal and institutional controversies. Additionally, by providing structured means of communication and compromise, and practice in these interactions, the programs serve as a seedbed for more thoroughgoing change.

### **IV. The Beginning of the CIRCLE Project at OST**

#### **The Invitation**

The first general CIRCLE meeting was held on May 18, 1999 in Rapid City, South Dakota. Members of the United States Department of Justice invited representatives of the Oglala Sioux

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<sup>89</sup> It should be noted, however, that many of the juveniles housed at Kiyuksa Otipi are juveniles involved in federal court or housed by agreement with other tribes.

Tribe, the Northern Cheyenne Tribe, and the Pueblo of Zuni to attend the meeting. The U.S. Department of Justice (USDOJ) presented the CIRCLE Project concept, invited the three tribes to participate, and distributed application kits. Those in attendance from OST included the Tribal President, several members of the Tribal Council, and two child advocacy specialists. A prosecutor from the South Dakota U.S. Attorney's Office also attended.

### **Drafting the Application**

After the Rapid City meeting, the OST Tribal Council voted to move forward with the CIRCLE Project, and a group of key players (comprised primarily of individuals already involved with and committed to Oglala Oyate Iwiciyakapi Okolakiciyapi) came together to form an application drafting committee. The group held meetings at various sites across the Pine Ridge Reservation in order to gain ideas for and to work on the application. During this process, the South Dakota USAO released the attorney who had attended the Rapid City meeting from his prosecution duties so that he could work with tribal representatives on the application. He traveled to the reservation several times a week for this purpose, and as the deadline grew closer, he traveled to the reservation every day to ensure that the application was completed on time.

Participants in the application process did not always understand the messages that were coming from USDOJ. It may have been that the messages were unclear, but it is equally likely that, given the Tribe's past experiences with the federal government and USDOJ in particular, some of the messages were hard to hear because they were unexpected. For example, it was not clear at the outset that as long as the application was submitted on time, was coherent, and met statutory requirements, it would be funded. Nor was there a strong sense that USDOJ was looking for input from OST – some individuals on the application drafting committee initially believed that Department officials would simply come in and tell them what to do. As the application process progressed, however, and especially after representatives from the USDOJ Community Oriented Policing Office, Office of Justice Programs, and Office of Tribal Justice visited the Pine Ridge Reservation to promote CIRCLE, the committee came to understand that Project designers within USDOJ hoped the Tribe would be able to use CIRCLE funds to craft a strategy that served OST's unique needs. Thus, the application-drafting group targeted four elements within the justice system on which to focus: prevention, law enforcement services, the Tribal Court, and detention/corrections. On a less positive note, one of the other unclear messages at the outset was exactly what kinds of efforts might be funded. In thinking about the best ways to address their target areas, the committee was eager to include a community education component; they wanted to inform and engage community members, so that they would support and sustain the Project ("complete the circle"), instead of viewing it as another Band-aid initiative run by people who were not committed to the community and its problems. These ideas had to be removed from the application, however, due to their lack of fit with the menu of funding options available under CIRCLE.

Because the proposal-drafting committee was least aware of the OST Department of Public Safety's needs, the committee and the USDOJ Community Oriented Policing Services Office worked closely with Public Safety administrators to gain that understanding. As a result of the COPS Office's assessment, it became clear that the CIRCLE Project would include a large grant to the OST Department of Public Safety (DPS). This realization created some early community concern that the Project would be dominated by law enforcement. The drafting committee and

COPS Office representatives also worked closely with DPS to consider the impact that *ending* COPS funding would have.<sup>90</sup> The additional involvement with DPS necessitated by this complicated issue may have further fueled community concern. As the OST CIRCLE Project evolved, however, law enforcement's role has been complementary to that of the other programs rather than dominant, and this has generated greater partnership. For example, instead of viewing CIRCLE's ambitious crime reduction goal as DPS's responsibility, the service provider partners in CIRCLE see themselves as engaged *with* DPS in the reduction of crime.

Looking back, there is also some dispute about the role Tribal Court staff played in the application process. Some remember court personnel being involved (at a minimum, they helped arrange for the application drafting committee to meet in the courtroom several times), while others (including court staff) emphasized that they were not involved in the application process. Some court staff recall that they found out about CIRCLE only when they were informed about the funds the Tribal Court would receive as a result of the application. What everyone does agree on is that including funding for the court in the CIRCLE application was critical: the Tribal Court is under-funded, under-staffed, under-trained, and functions inadequately. Many community members feel that when individuals go to court, nothing happens. The perception is even stronger with regard to juvenile cases, which means that many of the Tribe's youth crime and justice problems may be linked to – or even arise from – problems at the Court. The hope embedded in the Tribe's CIRCLE application is that the strategy of providing a probation officer, staff training (for prosecutors, advocates, and other personnel), and a computer networking system (that links the courts with the police, probation, and prosecutors) will improve court functioning and change the Tribal Court's image.<sup>91</sup>

An important coda to the CIRCLE application process is that the proposal-drafting committee continued to meet after application submission. Initially, it attempted to play an informal role in the guidance of CIRCLE. However, the committee was never given any authority by the Tribal Council to act as the steering committee for CIRCLE, so its impact was limited. For example, sustainability was an issue the committee discussed from the start. Committee members proposed setting aside money from each sub-grantee and then pooling these funds to support a resource person whose job would be to write grants to sustain the Project. Yet without authority to make this happen, or to substantively affect the implementation of CIRCLE in any other way, the committee eventually abandoned the discussion of CIRCLE sustainability and returned its primary interest to OOIO. To the extent that some of the members of the OOIO oversight body are also partners in CIRCLE and some of the initiatives' issues are similar, the committee's meetings for OOIO offer a limited opportunity to address problems that CIRCLE and OOIO share. But CIRCLE certainly has not been able to access the knowledge and expertise of this established group in the thorough going way that it might have, had the committee been designated CIRCLE's formal steering committee.

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<sup>90</sup> Despite these early conversations, no plan was ever developed to help DPS transition back to a smaller staff after the expiration of COPS funding.

<sup>91</sup> In 2002, court and law enforcement staff also were discussing a drug court, an addition that would further remedy the Tribal Court's problems. At the date of writing, however, the Court had yet to submit an application to USDOJ's Drug Courts Program Office.

## Goals and Strategy

The Oglala CIRCLE Project's goals and comprehensive strategy were refined throughout the implementation process. In general, refinements reflected the CIRCLE partners' efforts to better define and target the Tribe's justice concerns. At the outset of the Project, for example, it was unclear how much harm limited prosecution was causing within the justice system overall; by responding to this learning, Project principals were able to identify more realistic goals and craft a more effective strategy.

The initial CIRCLE strategy focused on Oglala youth and was designed to respond to three inter-related "youth concerns": juvenile crime, a lack of recreational activities for youth, and a lack of juvenile treatment facilities. For example, truancy is a large problem among OST youth, and the strategy incorporated the idea that without incentives to stay in school and without things to do while not in school, it is easy for young people to plunge from truancy into crime. Furthermore, there were no treatment programs at Kiyuksa Otipi (the Kyle Juvenile Detention Center) to assist youth with the problems that led them to commit crimes (especially drug and alcohol use). Given that one of the initial OST CIRCLE Project goals was to reduce crime by 20%, focusing on youth and on the connections between youth and crime seemed a reasonable first approach to mitigating the Tribe's crime problems.

As the OST circle of partners proceeded with Project implementation, however, their goals and strategy shifted to address broader nation-building needs. In the second year of CIRCLE funding, discussions began in earnest about something the partners had learned in attempting to develop and manage their CIRCLE-related programs: weakness in the Tribe's formal justice institutions and processes made all of their jobs harder. Of course, undertaking system-strengthening tasks would, at least in the short run, compromise their ability to meet the Project's goal of a 20% reduction in crime. Strengthening the justice system would not only result in more convictions but, potentially, more arrests. And because extant arrest and conviction rates had little correlation with the actual crime rate, improvements to the justice system that increased arrest and conviction rates would make it appear that the crime rate was rising. In other words, it became apparent that without an accurate baseline for criminal statistics and without time for system changes to generate an accurate baseline, the goal of a 20% reduction in crime was unrealistic. Thus, the OST CIRCLE team revised its goal to focus more directly on the root problem the Tribe faced (a revision which shifted emphasis toward nation building and away from an untenable statistical target); their new goal was to increase the effectiveness of OST justice system institutions.

In its third year, the OST CIRCLE Project continued to pay attention to youth concerns and justice system improvements, but focused particularly on a subpart of the year two goal – namely, on rebuilding the tribal court system. This focus was driven by the fact that the lack of prosecution of criminal cases in the Tribal Court was the most practical problem standing in the way of other justice system improvements. Even when they are taken at face value, the statistics on prosecution are sobering. There is only a 10% conviction rate among the cases filed or charged in criminal court, and there is a strong sense among insiders that this 10% is reflective not of successful prosecution but of individuals who, out of a lack of familiarity with the system, plead guilty. Defendants familiar with the weakness of court system request jury trials. The Court must honor these requests, but it rarely has the capacity to follow them through.

The lack of prosecution creates a powerful ripple effect through the rest of the justice system. Police officers have less incentive to make arrests when they know that perpetrators will be released immediately due to a lack of prosecution. In that case, declining arrest rates would reflect incentives against arrest rather than a falling crime rate. Furthermore, probation officers cannot rehabilitate defendants if they are not prosecuted. More often than not, the repeat offenders know how to work the system and walk away without consequences, so they are not even offered the services a probation officer has at his disposal. Also, victims are offered no relief or justice if perpetrators are not held accountable.

Yet the lack of prosecution is, most profoundly, a signal of problems within the Tribal Court. A well functioning court system would be more effective in monitoring cases, setting them for trial, refusing to allow prosecutors to dismiss cases, motivating police officers to work with prosecutors in moving cases forward, and in otherwise filling and acting upon the docket. For this reason, the OST CIRCLE team has come to realize that the Tribe does not need to simply “improve” the court system but, if it hopes to truly protect and preserve the Lakota people, to *rebuild* the Tribal Court to reflect community needs and culture.

This is a daunting task for any Indian nation, but particularly for the Oglala. Here, proponents of serious system change are often met with strong resistance and even intimidation. One individual noted that not only does the CIRCLE team need funding and technical assistance, but its members also need courage. Certainly, they already have made one courageous step forward: by advocating for serious system change, those who are tribal employees essentially have put their jobs on the line. Remarkably, two other groups, the Task Force on Sexual Abuse and the Pine Ridge Area Chamber of Commerce, have joined the CIRCLE team in calling for court system reform.<sup>92</sup> Ultimately, this institution rebuilding should enable the Tribe to reduce crime. It is not a quick solution, but it may be the only effective one, which makes it imperative that USDOJ (and other external investors) understand the CIRCLE team’s (and other change agents’) commitment to court reform and, however possible, continue to support it.

### **The CIRCLE Project Coordinator**

Similar to discussions at the federal level, there were early discussions at Oglala about where to house CIRCLE. Cangleska, already deeply involved with justice system operations, offered to act as the coordinating agency. However, the Tribe was looking for an individual to run the Project, not an organization. The first OST CIRCLE Coordinator, Daryl Mesteth, was hired in August 1999 but soon left the post. Bart Merdanian, formerly an assistant to OST President Harold Salway, was hired as the CIRCLE Project Coordinator in October 1999. Mr. Merdanian resigned in January 2001, primarily because the political pressure to do things counter to what he

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<sup>92</sup> It is worth noting that the OST CIRCLE team realizes that its goal of Tribal Court and prosecution reform is something that the Project cannot accomplish alone, and thus, it has cultivated relationships with these like-minded groups. But it is also the case that such fundamental change cannot occur without champions, and the CIRCLE partners may have stepped into that role.

thought was best for CIRCLE and its partner programs had become too intense.<sup>93</sup> Eileen Iron Cloud was hired as the CIRCLE Coordinator in late January 2001.

Ms. Iron Cloud describes her role as CIRCLE Coordinator as all-around go-to person, organizer, facilitator, administrator, counselor, and mediator for the Project. Specific tasks mandated by the grant are to coordinate the local CIRCLE components, abide by USDOJ's specific administrative and accountability requirements (for example, to file semi-annual progress reports and various financial reports), and travel to numerous meetings.

A major obstacle the Coordinator faces in carrying out these tasks is a lack of administrative support. Despite the complexity of the Project and the size of the funding package – factors that generate a substantial workload – no money was made available for this function. Thus, Ms. Iron Cloud reports spending a considerable amount of time on tasks that an administrative assistant might perform equally well. The absence of a staff assistant is felt in another way when the Coordinator must travel to the meetings: there is no one in the office to ensure that invoices are signed, reports are filed, or daily problems are addressed. Faced with these many duties and responsibilities, the actual time the Coordinator can commit to implementing the comprehensive strategy or assisting the CIRCLE components in strengthening their programs is quite limited. In that sense, the Coordinator has very little time to truly “coordinate” the Project.

Similar to the lack of funding for administrative assistance, there was no funding in the grant package for basic necessities, like office rent, utilities, or a computer. The OST CIRCLE Project Coordinator has had to make due in an office without heat or air conditioning and with a computer borrowed from another agency.

Given these challenges, the Tribe is fortunate that as the longest-term Coordinator, Ms. Iron Cloud brings a broad portfolio of skills to the job. Her experience includes management, government, and strategic planning and plan implementation. She also has a background in organizing, which helps her tap the energy of the community in effecting change. Moreover, she works to share her knowledge and skills with the local CIRCLE team, which encourages and better equips the group in addressing its difficult system change goal.

### **Selection of the Programs Involved with CIRCLE**

Component programs of the OST CIRCLE Project followed different paths to their inclusion. Some of the programs were represented at the first CIRCLE meeting in Rapid City. For example, the director of the Court Appointed Special Advocates (CASA) Program heard about the CIRCLE Project, wanted to learn about the opportunities it might offer, and made a request to attend the informational meeting. Representatives from both Cangleska and the Runaway and Homeless Youth Program were involved in the application process. Other components, such as the Tribal Court, were neither represented at the Rapid City meeting nor actively involved in the application drafting process, but were included in the application. Thus, many key players on the CIRCLE team have been involved with the Project from the beginning.

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<sup>93</sup> Tragically, a drunk driver killed Mr. Merdanian three weeks after his resignation. Had the Tribal Court been able to access and act upon the driver's record, he probably would not have been on the road. Thus, many felt that Mr. Merdanian died as result of the exact problems he had been working to solve.

However, other key players, most notably the Tribe's prosecutors, have been absent throughout. As emphasized above, one reason for their lack of connection is the overall weakness of the Tribe's justice system. The number of cases prosecuted in the Tribal Court by staff of the OST Attorney General's Office has been waning for several years, and though attempts have been made through CIRCLE and by other means to increase their activity and to engage them in the process of justice system strengthening, the situation has been slow to change. One factor may be the high turnover in the Attorney General position<sup>94</sup> (which may itself be an indicator of other, underlying problems). Of course, another point made above is that at the outset of the application drafting process, it was not obvious to the CIRCLE planners and partners that the lack of prosecution was such an enormous problem. The issue became clear only as CIRCLE implementation progressed.

### **The Role of Community Education**

Community education was an important part of the initial draft CIRCLE strategy. The original plans for the OST CIRCLE Project included community activities every six months and budget line items in support of community outreach, such as money for translators and meeting handouts. These formal elements of community outreach were dropped from the implementation of CIRCLE. Nonetheless, the application-drafting group wanted the Project to be a full circle between the partner programs, the tribal government, and the tribal community.

As CIRCLE got off the ground, however, there were difficulties in realizing this vision. Because they were concentrating on developing new services and expanding existing offerings, the CIRCLE partner programs tended toward relatively individualistic efforts. The funding freeze (described below) exacerbated this tendency – each program was so busy trying to survive that the directors had difficulty conducting their own work, much less work together. The lack of cooperation was especially evident in the second year application for CIRCLE funds, which did not really reflect a group effort or team-driven strategy. Critically, limited teamwork also caused relationships between the CIRCLE Project and the community, which had begun to emerge during the application process and the very early stages of CIRCLE implementation, to wither.

After the restoration of Project funding and through more consistency in the Coordinator position, however, CIRCLE regained its group focus and has been able to reach out more (and more cohesively) to the community. Representatives of several partner programs have spoken regularly on KILI radio to inform the community about their services and CIRCLE's efforts. Many of the components are involved in other collaborations, such as OOIO and the Sexual Abuse Task Force, which gives them an opportunity to discuss CIRCLE with additional community justice and social service practitioners and to inform community members who may be more tied to those other programs. The evaluation-related focus groups convened (and to be convened) by Oglala Lakota College faculty and students will provide further community education and involvement. The Coordinator's decision to bring two community members to the January 2002 CIRCLE cluster meeting in Washington, DC was another mechanism for educating, involving, and tapping the energy of community members for the CIRCLE Project.

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<sup>94</sup> As of May 2002, another new Attorney General had been hired. Her goals include office reorganization and moving forward with more trials. These are important positive steps, ones that, it is hoped, will receive broader governmental and community support.

It should be noted that not all of the CIRCLE partners expressed a desire for community engagement. A few felt that the group should focus on the work that needed to be accomplished and that community outreach took valuable time away from it. Others were frustrated with the misinformation in the community and the community's distrust of federally funded programs. Even so, most directors and staff of the CIRCLE programs demonstrated their dedication to community engagement through their efforts to provide information and to involve community members in their programs. And certainly, the few individuals who verbally expressed a disinterest in involving the community with CIRCLE or CIRCLE's evaluation nonetheless work tirelessly at providing services to the community.

## **The Freeze of CIRCLE Funding**

### **A History of the Funding Freeze**

Early in the process of applying for CIRCLE, the planning group expressed concern about the Tribe's ability to manage Project finances in an accountable and externally acceptable manner. The specific concern was that the Tribe lacked adequate financial management infrastructure to deal with a grant as large and complicated as CIRCLE: because CIRCLE funding was composed of grant monies from several offices within USDOJ, there were different rules on how each portion of the funding could be used. This would be a difficult grant management task even for a state government, let alone a tribal government with a checkered financial management history.

As an alternative to direct tribal management, Department of Public Safety representatives suggested that DPS manage the funds; although it is a tribal department, its financial operations are a step removed from the central tribal government/Tribal Treasurer's Office. The possibility of having Cangleska, Save the Children (a member organization of OOIO), or a specially created and completely separate fiscal agent manage the funds was also considered. But whatever entity ended up managing the funds, the committee realized from the start that, USDOJ training on rules, regulations, and expected accountability might be necessary.

The tribal application-drafting committee was not alone in expressing concern. All OJP and COPS grantees are required to have a financial system that is able to receive funds, account for their use, and provide reports back to OJP on a quarterly basis. Grantees also must have an audit mechanism that meets external financial standards. Some federal partners expressed worries that the Oglala Sioux tribal government did not have these capabilities. But their fears apparently were put to rest when the U.S. Department of Justice Office of the Comptroller, which was required to verify that each tribe had sufficient infrastructure to handle the CIRCLE grants, expressed its confidence in OST. The USDOJ's Comptroller's Office had dealt with OST's financial office on prior grants and was of the opinion that the Tribe had adequate infrastructure to fiscally manage the CIRCLE grant. Thus, the drafters of the application ultimately agreed to have the Tribal Treasurer manage the funds.

As recommended by the CIRCLE planning committee, when the grant was awarded, the Tribe made a request for technical assistance to ensure that it had the appropriate infrastructure and procedures to manage the grant funds.<sup>95</sup> USDOJ granted the request and sent a team to Pine

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<sup>95</sup> The evaluators heard conflicting versions of these events, particularly from various federal personnel. The most common version is reported here.

Ridge in December 1999 to conduct the training. During these sessions, a USDOJ comptroller noticed that a large draw down had occurred and that the money had been placed in the Department of Public Safety account, but that appropriate documentation to support the draw down was not present. At this point, because the DPS draw down was essentially unapproved, OST's CIRCLE funds were frozen. At USDOJ's request, the Department of Public Safety returned the funds to the CIRCLE account, but still more time was needed to address USDOJ's accountability concerns. The USDOJ Office of the Comptroller conducted a site visit and made several recommendations about changes that could be made to ensure the proper handling of the grant funds. These changes were made; they included the requirements that invoices and payments be approved by the OST CIRCLE Project Coordinator and USDOJ Comptroller prior to the disbursement of funds, draw down requests be approved by the Tribal Treasurer and USDOJ Comptroller, and grant recipients be educated on the new policies and procedures. After this, the USDOJ Office of the Comptroller was satisfied that there was an appropriate draw down process in place, and the freeze was lifted.

The freeze placed the Project on hold for almost a year, which severely constrained the partner programs' ability to begin their work and make progress toward CIRCLE's goals. And while the freeze resulted in procedures that improved accountability and increased tribal administrators' appreciation of the need to orient program staff and directors on financial reporting and accountability standards, it is yet to be seen if these changes have long-term impact. Much of the burden of keeping the funds flowing post-freeze and making sure that further irregularities do not arise has fallen on the Coordinator's shoulders. For example, she worked with the CIRCLE accountant to provide a training for all sub-grantees, which was intended to help them be better prepared for handling grant money.

### **Observations on the Aftermath of the Funding Freeze**

Many individuals were upset that the team effort that had gone into CIRCLE had been undermined by a single organization and that its actions had harmed all of the partners. Furthermore, several individuals had attempted to prevent such a problem, but tribal and federal pressures to move the Project forward thwarted these attempts. It seems this is a case where a somewhat slower start and close attention to tribal feedback (which is what the "government-to-government relationship," "tribal consultation," and a "participatory project" ought to be about) may have prevented a fairly debilitating occurrence in the OST CIRCLE Project's life cycle. Preliminary fiscal management trainings might have prevented a yearlong set back.

Certainly the freeze hurt the CIRCLE partners financially. Its other harms are evident in a point made above: the freeze weakened the partners' ability to work as a team, which, because the Project was so new, was already fragile. It generated distress in the short run, and as the year wore on, it forced the program directors to "hunker down" and tend only to their own programs. Once funding was unfrozen, it was relatively easy for the CIRCLE partners to proceed with implementation of their particular parts of the CIRCLE Project, but relatively difficult to regenerate and grow a sense of partnership and a desire for teamwork. Ms. Iron Cloud reported that when she came on board as Coordinator (shortly after the resumption of funding), it took significant effort to move group members past their anger and into a mindset where they could work fruitfully together as a team.

Given where they were, it is remarkable how far OST CIRCLE team members have progressed in their sense of partnership. During the first site visit by the external evaluators in March 2001, tribal CIRCLE partners expressed a great deal of frustration; during the final visit nearly a year later, the atmosphere and group dynamic were completely different. Team members supported each other in addressing the obstacles they were facing; they had identified common problems and were beginning to focus on problem solving; and they were talking about the efforts they could make both as individual programs and *as a team* to address the Tribal Court, broader government infrastructure, and nation-building challenges the Oglala Lakota people face.<sup>96</sup>

## **V. Implementation of the Oglala Sioux Tribe CIRCLE Project**

This section presents information about each of the partner programs in the OST CIRCLE Project, with an emphasis on the organizational changes the CIRCLE Project facilitated and on the progress the program has made toward its specific CIRCLE-related goal(s). Where possible, the discussions close with reference to data that may be useful for outcomes analysis (the focus of Phase II of the CIRCLE Project evaluation). This section is written from the perspective of mid-year 2002, before the end of the federal government's three-year funding commitment.

### **The Tribal Court**

In recent years, several organizations have conducted reviews of the Oglala Sioux Tribal Court system. They have identified much the same set of problems: an insufficient number of judges, a lack of probation officers for both adult and juvenile monitoring, the absence of an Office of the Public Defender, no training for prosecutors, the lack of a computerized record keeping system, and limited service of summons and warrants. Prior to CIRCLE, for example, the Court had to rely on the police department to serve warrants, notices, summons, and civil papers; because the department did not have the staff or resources to perform this service, records suggest that approximately 50% of subpoenas requested by the prosecutor were not served. Also, at the time of the Phase I evaluation there were only three full-time judges (although as discussed below, there were plans to hire an additional child support enforcement judge). The 1999 Assessment by the Northern Plains Tribal Judicial Institute noted that Tribal Court staff had indicated that a jury trial had not occurred for three years and that there had been no juvenile trials for an even longer period (Northern Plains Tribal Judicial Training Institute 1999, p. 9).

### **Goal**

The Tribal Court's CIRCLE Project goal is to strengthen the criminal justice system so that it will be responsive to the needs of the Oglala Sioux Tribe's citizens.

### **Progress and Challenges**

The Court has made some progress toward its goal. CIRCLE funding provided for a process server, and his work has resulted in an increase in the number of summons and notices served.

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<sup>96</sup> Although the funding freeze was a difficult obstacle for the CIRCLE Project and the partner programs to overcome, it did have benefits. It spurred the development of procedures not only for CIRCLE but for other grant programs as well. At present, *no* tribal programs are allowed to make lump sum drawdowns without explanation; tribal procedures require documentation of what the funds are used for.

This service was conducted only on the western portion of the reservation; more recently, service has been extended to include the eastern portion. Of course, unless the case backlog is cleared, making it possible for new cases to be heard, the impact a process server can have is limited.

CIRCLE funding also was used to support probation officers in Pine Ridge and Kyle, which is another important step forward for the OST criminal justice system. In early 2002, the officers were supervising more than 110 probationers, and since their work began the year before, nine individuals have successfully completed probation. While on probation, individuals are offered numerous opportunities to receive support and training, including AA meetings and classes in parenting, DWI prevention, domestic violence prevention, and GED preparation. (Some courses are required while others are optional, depending upon the individual.) In Pine Ridge, probationers also have the option of shortening their sentences by participating in community service, such as the garden project or other community activities. Technically, the community service program is designed for those who have been adjudicated, but because so few individuals are being prosecuted, there are excess “spaces” in the program. As a result, the probation officers have opened the community service program to anyone who is incarcerated in the Pine Ridge jail.

While successful, the probation program is wrestling with numerous challenges. For instance, there is a lack of physical space in Pine Ridge for a probation office. The officers also desire training but have received little. Although the first CIRCLE-funded probation officer was hired in 1999, the first training that OST officers attended was in August 2001. A particular training need is in procedure development, as the current OST code lacks provisions and guidelines for probation officer procedures and the tribal officers have had to develop them on their own. Fortunately, the tribal officers developed a relationship with the U.S. Probation Office to assist them with many of their questions, and Cangleska, which also supervises probationers, has been able to provide some additional assistance, especially with procedure development. Another problem has been the lack of a database that would allow officers to monitor clients. The probation officers developed their own databases for year 2000-2001, so that they would be better able to identify the most troublesome offenders, but this work is not technically a part of their jobs. The probation officers also struggle with the enormity of their task; each supervises over 50 probationers, a number that is likely to grow as the court and prosecution systems are strengthened. Finally, there is no current plan to continue the probation offices once CIRCLE money is depleted. The Tribe is not in a position financially to fund the offices, and so in spite of the probation officers’ success, it is unclear whether their program will remain operational.

Another positive organizational change that may result from the CIRCLE Project is the development of a child support enforcement and custody division of the Tribal Court. The Court received money in the third year of CIRCLE to contract for an additional judge and a prosecutor for this Court. It is hoped that the separate forum will move the custody cases forward in a timelier manner *and* decrease the caseload for the judges in the main Court, thus speeding the disposition of other cases.

Change is much slower on other fronts. The pilot program with the U.S. Attorney’s Office to increase the prosecution rate, which would involve Assistant U.S. Attorneys prosecuting misdemeanors in the Tribal Court, is stalled. For a short period of time, an Assistant U.S. Attorney who was also a former OST Tribal Court Judge was assisting with the prosecution of

misdemeanors, but she has since left the U.S. Attorney's Office, and the Court is still struggling with the lack of prosecution. Additionally, the Court has yet to develop an automated court records system, although one is desperately needed. (See the Cangleska discussion, below, for more on progress with the automated system.)

### **Observations and Lessons**

- The biggest problem the OST Tribal Court faces is the lack of prosecution. Interestingly, this sticking point was not addressed in the Tribe's initial CIRCLE strategy and grant application. Conversations with CIRCLE staff indicate that at the time, the partners simply were not aware that deficiencies in prosecution were so central to the other justice problems they faced. Yet the solution is not straightforward – many parts of the justice system and of the Tribe overall will have to do their part to make sure that cases go to court and are tried. For example, the Tribe will have to find a way to retain a law-trained Attorney General and prosecutorial staff, something that – whether due to locational preferences, political interference, or both – has proven difficult (during the first, 18-month phase of the evaluation, the Attorney General position was filled and vacated several times). It might also be worthwhile for the Tribe to revive its pilot program with the U.S. Attorney's Office, in which Assistant U.S. Attorneys help prosecute misdemeanors in the Tribal Court. Besides increasing the prosecution rate, the program might foster a better relationship between the U.S. Attorney's Office and the Tribal Court. To make this work, however, the Assistant U.S. Attorneys have to be willing to abide by rules of the Oglala Sioux Tribal Court and refrain from imposing their views onto the Court.
- Teamwork requires commitment from all parties. Throughout this phase of the evaluation, external evaluation team members both observed and received reports about many meetings that prosecutors were invited to attend but did not. It is unclear why they choose not to participate in these important justice system-rebuilding efforts. Regardless of the reasons, however, their presence is a necessity: the OST CIRCLE Project goal for 2002 is to improve the Court and increase prosecution, which cannot happen without the prosecutors' cooperation. Significantly, the Tribal Council has a critical role in making this happen, so its members must also be committed to having an effective prosecution unit. In the past, the Council has drawn the Attorney General away from prosecutorial duties and into the role of a general counsel. Not only has this put undue pressure on a single individual to perform two completely different jobs, but it has been unfair to *both* branches of government, which have legitimate legal needs. The Tribal Court needs an Attorney General who is committed to and focused on the prosecution of criminal cases, since without one (or one with competing responsibilities), it is difficult to engage the prosecutors in system change.
- On-site training for the prosecutors and court staff may be helpful. Ideally, the Court would conduct this training in a manner similar to the training sponsored by CASA on child abuse. In order to create a broad knowledge base and a greater sense of teamwork, CASA invited all service providers, law enforcement, and

community members. Together, the various groups learned what their roles ought to be and increased their commitment to system change. A similar training process would prevent the prosecutors and court staff from feeling singled out as “the problem.”

**Indicators of Ongoing Progress and System Change**

- An increase in the number of cases prosecuted
- Increases in the number of individuals on probation and the number completing probation

<b>OST Probation Statistics 2001, excluding Cangleska probationers*</b>		
	<u># on Probation</u>	<u># Having Completed Probation</u>
Kyle	72	0
Pine Ridge	40	9

\* Cangleska supervises domestic violence probationers only.

- An initial substantial increase in the number of summons served, with the number settling to reflect an appropriate correlation with the arrest rate

<b>OST Court Summons Statistics*</b>	
	<u>Summons Served</u>
January-June 2000	750
January-June 2001	554

\* Data provided to the evaluation team addressed only the first six months of calendar years 2000 and 2001.

- Increased court staff satisfaction
- Development of automated court record-keeping system

**Department of Public Safety**

**Goal**

The OST Department of Public Safety’s original CIRCLE goal was to reduce crime by 20% during the lifetime of the grant and to improve the credibility of law enforcement by involving the community in law enforcement efforts. While the crime reduction goal has been modified to a more general focus on crime prevention and reduction, the latter goal is unchanged.

**Progress and Challenges**

Prior to CIRCLE, the OST Department of Public Safety had a COPS Universal Hiring grant that was about to expire. The COPS funds provided through CIRCLE prevented the Department from losing the 60 officers it had hired under the Universal Hiring grant and allowed an increase in the total number of COPS-funded officers. As of May 2002, there were 73 COPS-funded officers in this 99-officer department.

In an effort to use its COPS officers in the most effective manner possible, the OST DPS created special response teams, or task forces, that correspond with the Tribe’s initial youth-focused CIRCLE strategy (there are task forces on juvenile crime, bootleggers, drugs, and burglary) and

assigned four COPS officers as school resource officers. Although it is not known how much criminal activity would have been identified in their absence, the task forces appear to be productive; for example, the bootlegger and drug task forces have each identified 80-90 bootleggers and dealers. The follow-up activities of the police, prosecutors, judges, and probation officers with these cases will be an important sign of progress not only for DPS but for the entire CIRCLE Project.

DPS also used COPS grant funds to purchase equipment and vehicles, improve communication technology, and train its officers in community policing. For example, the Department intends to use COPS funding to place two repeaters on their towers to increase officer-to-officer and officer-to-base communication. The improvement to radio communication is critical as there are several areas on the reservation where officers can be out of contact. However, the funding for third-year technology purchases is on hold until a technology assessment is completed by the U.S. Department of Justice. (This is true for the other CIRCLE tribes as well.) OST requested this assessment in early 2001 (shortly after the December 2000 CIRCLE cluster meeting at which USDOJ representatives agreed to help the tribes try to secure technology assessment funding), but it was not implemented until spring 2002.

These changes, particularly the increase in department manpower, have presented the OST DPS and CIRCLE Project with several critical challenges. The first – DPS’s inability to furnish the new officers with basic policing equipment or vehicles – is largely an internal (tribal, non-federal) challenge. For example, the COPS grant included funding for uniforms, but these resources have not fully “trickled down” to the officers, and some even have had to buy their own uniforms. COPS money also made it possible for the Department to purchase a variety of new vehicles (15 Sport Utility Vehicles, two All-Terrain Vehicles, and two snowmobiles), but the grant program does not cover operating expenses such as insurance and maintenance costs; thus, DPS has been unable to put the vehicles on the road. While it is easy to criticize COPS for this restrictive funding rule, the fact that the other participating tribes in the CIRCLE Project found ways to overcome this problem appears to place responsibility for this challenge with the CIRCLE Project, DPS management, and DPS’s supervising authorities (including the BIA).

This latter point deserves expansion. The Zuni CIRCLE Project addressed the problem of inflexibility in COPS funding rules by approaching the local BIA Superintendent with the request that the vehicles be placed under the tribe’s P.L. 93-638 contract for maintenance and insurance – with the understanding that the CIRCLE Project would buy economical vehicles and re-budget the remaining COPS funds for the purchase of computers, cameras, and additional uniforms, which *is* allowed under COPS grants and which otherwise would have been purchased with 638 funds. In essence, they swapped responsibilities for certain kinds of purchases. The Northern Cheyenne CIRCLE Project reached a different and shorter-lived solution, but it is a solution nonetheless. The Tribe has agreed to lend the BIA-managed police department the new COPS-funded vehicles for the duration of the COPS grant; at the end of this period, the vehicles will be returned to the Tribe.

The situation has played out very differently at Oglala Sioux. As at Zuni, the Tribe approached the BIA to request absorption of vehicle operating costs under the Tribe’s 638 contract for law enforcement. But because the COPS funding was already fully spent, there was no opportunity for a swap; BIA agreed to finance maintenance and insurance for the COPS/CIRCLE vehicles

only if OST would agree to give up other budget items in the contract. To ensure that this decision is enforced, local BIA personnel actively scrutinize police vehicles' identification numbers to make sure that BIA funds are not being used to operate CIRCLE vehicles. Realistically, an inability to re-prioritize other items in the DPS budget is the reason a Northern-Cheyenne style solution will not work at OST either; at Northern Cheyenne, the BIA controls the police department, so it was the BIA and not the Tribe that had to do the (difficult) re-prioritization, but it nonetheless occurred.

A second, immense (and, technically, federally imposed) challenge the OST Department of Public Safety faces is how to retain at least some of the COPS-funded officers brought into the Department through CIRCLE. Once the COPS grant is exhausted, the Department faces the possibility that its force size will shrink to 26. Given that the reservation is divided into nine different districts, this staff reduction would reduce each district to police coverage by only 2-3 officers (who must then spread their time out over a 24-hour period). The staff reduction would also dismantle the task forces. The Chief of Police, tribal CIRCLE partners, and the community are very concerned about the impending loss of officers. Although COPS program managers have indicated that the grants may be extended for a year or two, an extension merely pushes the problem a little farther into the future. DPS is in critical need of planning that can help avert or mitigate this situation.

### **Observations and Lessons**

- The OST DPS example demonstrates that the circle of partners not only would have been more comprehensive, but more functional, had BIA been included in the CIRCLE Project in a deliberate (and funding-relevant) way.
- Grant management training and grant planning assistance may be helpful to the Department. Better grant management may have averted the equipment problem and the vehicles problem (for example, it might have led to some funds being “held back” for negotiation with the BIA, as they were at Zuni). Grant planning assistance may help the Department find other sources of manpower funding and/or help its leaders think through feasible alternatives to a large police force.
- Tribal citizens' reactions to the Department's attempt to implement community policing are mixed. On the one hand, reports suggest that community policing has yet to take root. The police force is fairly young/inexperienced, the training for community policing began only in 2000, and it might be expected that full internalization of this new policing strategy will take several years. Individuals in focus groups and some of the tribal youth evaluators encountered were especially adamant that the police were untrained, acted too aggressively, and did not respect community members.

On the other hand, formerly staunch opponents of community policing (many of them veteran officers) report having “come around.” Individuals within the Department noted that over the last several years, officers have increased their cooperation with the districts, whereas before, many declined to engage in grassroots collaboration and problem solving. Additionally, some service

professionals outside the formal set of CIRCLE partnerships, who might therefore be less attuned to community policing, reported hearing of and experiencing situations where community policing has had a positive impact. In particular, they cited increased feelings of safety arising from officers' greater willingness to visit homes and ask what they can do to help families, and from their greater "positive" visibility (for example, officers passed out candy at Halloween and volunteered to serve dinner at holiday events).

These impressions might not be contradictory. It is typical for those within an organization to see change first. The challenge is to make change wide sweeping enough for the outputs of change (such as officer conduct, attendance at community meetings, and home visits) to become broadly visible in the community. Providing officers with ongoing training and encouragement is one way to address the challenge. The Department also ought to publicize what it is doing, so that people are primed to observe and support the change in law enforcement strategy.

- Recent turmoil in the Department probably has been an important factor behind its inability to use the COPS vehicles and better prepare for the expiration of the COPS grant. In other words, it is not surprising that an agency weathering turbulence and suffering from often random, politically imposed change lacks an ability to plan effectively for the use of current funds or for the future. In the upheaval of 1999 and 2000, the police chief was replaced, the Tribal Council seized oversight authority over the Department, and parts (if not all) of the Department were under threat of retrocession to the BIA.

**Indicators of Ongoing Progress and System Change**

- A short-term increase in the number of arrests to illustrate the effect that an increased number of police officers have on the Department's ability to enforce the law, and a long-term decrease in the number of arrests to illustrate the deterrence of crime<sup>97</sup>

<b>OST Arrest Totals, 1998-2001*</b>				
	<u>FY 2001</u>	<u>FY 2000</u>	<u>FY 1999</u>	<u>FY 1998</u>
Adults	19,615	22,393	20,530	20,751
Juveniles	3,944	3,948	Not available	Not available

\* These statistics were derived from annual reports of the OST Department of Public Safety and account for the number of arrests for adult and juvenile major offenses, minor offenses, and traffic violations. The reports also contain statistics for non-arrest contacts.

<sup>97</sup> The OST CIRCLE team and evaluators remain agnostic as to the definition of "short term" and "long term" during this phase of the CIRCLE evaluation, but anticipate addressing the issue in Phase II. A present approximation is that a short-term period is five years and a long-term period is 20 years.

- Positive feedback from focus group discussions and surveys of community members that query the community's attitude towards and engagement with law enforcement

### **Correctional Facility**

There are two adult correctional facilities on the Pine Ridge Reservation, one in Pine Ridge and one in Kyle. Both are 10,713 square feet, have a 28-person capacity, and were originally built as holding centers rather than longer-term detention facilities. In addition, the Tribe has a juvenile detention center, which also is located in Kyle. Often, individuals will be sentenced in the Tribal Court, but cannot be held due to a lack of detention space. It is estimated that 65% of the 22,000 arrests made over the course of the last three years were alcohol related (Oglala Sioux Tribe 1998), yet neither of the adult facilities provide detoxification services to assist those with alcohol problems. These two problems – the Tribe's limited detention space and its lack of detoxification programs within the detention facilities – tend to compound other problems within the OST justice system.

### **Goal**

The corrections goal listed on the initial CIRCLE application was to improve current facilities and develop a detention-related alcohol/drug detoxification facility. Since then, the goal has evolved to developing a *new* correctional facility that includes alcohol/drug detoxification services.

### **Progress and Challenges**

Prior to the employment of a project manager for the corrections center in March 2001, efforts were proceeding quite slowly. A planning committee was doing some work, but there was no one to carry out the day-to-day administrative tasks necessary for getting the project off the ground. Significantly, these tasks not only include oversight of facility construction but also include development of the policies and procedures necessary for the facility's operation.

Even with a project manager in place, construction planning has been fairly drawn out. One of the first delays arose because of a disagreement between OST and the USDOJ Corrections Program Office (CPO) about facility size. The Tribe's study determined that a 250-bed facility was needed, but CPO declined to fund anything more than a 115-bed facility. According to CPO representatives, they simply were holding OST to its 2000 CIRCLE application, which proposed 115 beds. In response, tribal personnel pointed out that the due date for this application preceded completion of the Tribe's needs assessment study. Eventually, in an effort to move forward, the CIRCLE team, corrections planning committee, and project manager deferred to CPO's decision, although some close to the building effort harbor a lingering fear that the new facility will be filled to capacity immediately. A later delay arose when CPO switched corrections construction consultants. The first consulting firm CPO engaged for its grantees worked closely with the OST Corrections Project Manager and provided substantial useful guidance, which sped the project along. But with the change in consultants, the relationships broke down, and planning progress slowed (although less than it might have, since the first consultant worked with OST free of charge for a brief period following the change).

In the interest of making the best use of funds, the project manager and project planning committee also delayed progress. Their specific concern was that CPO had paid too little attention to the facility's operating needs. CPO's funds were for construction only, and the project manager and project planning committee felt strongly that they ought to identify a source of operating funds before moving any farther ahead. After multiple petitions to the South Dakota Congressional delegation and to the BIA, the Tribe gained a commitment from the BIA to provide operating support – but it took many months.

The most pressing current challenge to progress concerns funding. Tribal representatives believed that participation in the CIRCLE Project would guarantee them adequate funds to build the facility, especially since they had acquiesced to CPO's mandate of a 115-bed jail. But CPO representatives felt their commitment was to funding projects that were progressing well, and in the third year of CIRCLE, they decided that the project at Oglala Sioux was not far enough along to receive funding. CPO obliquely warned the Tribe of this decision in a February 2001 letter (from the CPO Program Manager for the CIRCLE Project to OST President John Steele) and quite directly in an April 2001 letter (from the CPO Director to OST President John Steele). Unfortunately, it appears that the individuals who most needed this information did not receive it: the OST CIRCLE Project Coordinator, Corrections Project Manager, and others involved with corrections planning visited CPO in August 2001 with the full expectation that funding was still forthcoming. It was not until *after* this meeting that the USDOJ Office of Tribal Justice made contact with the OST CIRCLE Coordinator and Corrections Project Manager to clarify CPO's stance. Since CPO worked on a regular basis with the OST CIRCLE Coordinator, it is most surprising that she was not directly informed of the loss of funding. USDOJ's consultation process (which attempted to create communication between individuals with similar ranks in the US and OST governments and between individuals with similar CIRCLE implementation tasks) may have worked for other purposes, but failed here. It generated a mismatch between those in USDOJ with the information and those at the tribal level who needed it. Since then, the Corrections Program Office has told the Tribe that it may compete for future funding through the regular grant process and that the Tribe stands a good chance of receiving such funding. Even so, there is a real risk that the work done to date will prove futile.

### **Observations and Lessons**

- The timetable set within the CIRCLE Project for correctional facility planning and construction was unrealistic and *predictably* unrealistic given the context (for example, the Bureau of Prisons has been attempting to set up a halfway house within the boundaries of the reservation for nearly 10 years). The reasons to proceed more slowly include political pressures (often precipitated by the rapid turnover of tribal administrations), siting problems (stemming, among other things, from variegated land ownership and infrastructure deficits), and tribal citizens' deep-seated distrust of the U.S. federal government (given Wounded Knee II, OST citizens may be especially distrustful of USDOJ). A more realistic timetable might have minimized frustration and even averted some setbacks.
- The Tribe's success in gaining a commitment from the BIA to staff the facility is an example of what can be accomplished by asserting greater self-determination over the grantor-grantee relationship. The Tribe may have gained a larger facility

or a more realistic timeline (while there are probably more, these are known examples of things OST had to give up in order to move forward) had a stronger focus on self-determination been a part of the negotiations with CPO (and had CPO been more responsive to the OST context). Alternatively, if the Tribe's insistence on such points led to a mutual decision to *not* pursue construction of a new facility, this, too, would have been an exercise in self-determination – and one that would have left less of a bitter taste than the possibility now on the table, that after much progress, the dream of a new facility nonetheless will be abandoned.

## **Runaway and Homeless Youth Program**

### **Goal**

The CIRCLE-related goal of the Runaway and Homeless Youth Program (RHYP) is to reduce, control, and prevent crimes against tribal youth by advocating for runaway and homeless youth and by developing and implementing a coordinated and collaborative system to ensure the safety and protection of these youth.

### **Progress and Challenges**

CIRCLE provides funding for the RHYP Director's salary and for stipends for safe home providers. Because the program is relatively small and quite dependent on CIRCLE funds for its operation, the progress its Director could make toward Project goals was severely constrained by the funding freeze; for example, during the freeze, *nine* potential safe homes were lost. Since the restoration of funds, however, two new host homes have been licensed, and the Program is engaged in ongoing outreach to recruit even more. In the same period, the program has made contact with and referrals for 189 runaway children, provided services to 37 homeless youth, and acquired software to enhance its record keeping and data collection. Another highlight has been the Program's involvement in the issuance of a Standing Order by the Chief Judge regarding the necessary procedural stipulations for detainment of youth in the Kyle Juvenile Detention Center.

Much of the RHYP's work is accomplished through partnerships with other agencies. For example, the Program has benefited from part-time clerical assistance provided through the Temporary Aid to Needy Families (TANF) program. The RHYP Director also works closely with OOIO and both tribal and non-tribal social welfare agencies to improve the services provided to Pine Ridge youth. For instance, she is active with the Sexual Abuse Task Force and OOIO's Children's Advocacy Group, which is engaged in redrafting the children's protection laws. These interactions not only increase other providers' knowledge of the RHYP but the Program's ability to serve its clients as well.

### **Observations and Lessons**

- Teamwork can foster success that an individual cannot: the Runaway and Homeless Youth Program is best able to achieve its goals by working with other programs and organizations. RHYP's involvement with CASA, OOIO, CIRCLE, etc., allows it to move forward on specific goals and see how its work is complemented by that of other programs and agencies. This experience has made the RHYP's Director a leading advocate of cooperative work. Her vision is of a

single resource center that would provide “wrap around” services, so that no tribal children and youth fall through the cracks.

- Can a non-profit agency achieve more success than a tribal program at Oglala Sioux? The RHYP may be a test case, as it is likely to move toward non-profit status when CIRCLE funding expires. Non-profits appear to have greater sustainability than some tribal programs because of their greater access to foundation funds and their greater insulation from tribal politics. On the other hand, some programs might be more appropriately located within the public sector; for example, certain accountability concerns or a mandate to reach a broad segment of the population may argue for government agency service provision.

### **Indicators of Ongoing Progress and System Change**

- An increase in funding to expand/improve services offered
- Opening of the emergency shelter
- An increase in the number of safe homes
- Conversion to a non-profit organization
- A short-term increase (and long-term decrease) in the number of youth needing services

### **SuAnne Big Crow Boys and Girls Club**

Named after SuAnne Big Crow, the Boys and Girls Club was one of the first in Indian Country. SuAnne Big Crow was the star of her high school basketball team and led the Pine Ridge team to several state championships. Much more than a leader in sports, she was also a spokesperson against alcohol use and abuse. Her dream was to go to college and return to Pine Ridge to help establish a program to help other youth find the strength, confidence, and inspiration to succeed. She wanted a place that would be “Happy Town, USA” – a place that was safe, where youth could escape and avoid violence and abuse. When SuAnne’s life was cut short by a tragic car accident, her mother was determined to make SuAnne’s vision come to life, and her determination resulted in the founding of the SuAnne Big Crow Boys and Girls Club. Most members and observers agree that the 10-year-old Club is a phenomenal success and that through it, SuAnne’s vision lives on.

### **Goal**

The SuAnne Big Crow Boys and Girls Club’s CIRCLE-related goals are to expand geographically and programmatically (that is, to serve more youth in more locations and in more ways).

### **Progress**

The Boys and Girls Club has accomplished much despite the initial delay in funding. CIRCLE monies support the director of the Targeted Outreach Program and pay for two part-time staff, all of whom were hired in early 2000. The programmatic expansion spearheaded through Targeted

Outreach includes the Smart Moves, Nike Play Daily, and Job Ready programs. In order to draw youth *inside* the Boys and Girls Club and into these activities, the Director for Targeted Outreach is visibly active *outside* the Club – he conducts weekly school visits and participates in neighborhood walks. The Director is particularly focused on reaching out to youth that may succumb to gangs, and to that end, he has received training in gang awareness and gang education, is developing collaborative agreements with the Department of Public Safety, and presides over the Pine Ridge Gang Task Force. He also is reaching out to youth whose behavior has brought them into contact with off-reservation, non-tribal juvenile authorities. His most significant accomplishment on this front has been the development of a Memorandum of Understanding with Rushville, Nebraska which states that Oglala youth arrested in Rushville will be referred to the SuAnne Big Crow Boys and Girls Club Targeted Outreach Program for community service and necessary classes.

The Boys and Girls Club also has been successful in its geographic expansion. CIRCLE funding has allowed the Club to lease the new recreation center in Wanblee, as well as three other satellite offices.

### **Lessons Learned**

- The Boys and Girls Club's status as a national non-profit may be one reason for its success and longevity. As a non-profit, the Club is able to seek funding from a broad array of sources (corporations, private philanthropies, federal, state, and tribal government, etc.), and it is relatively immune to the influence of tribal politics (of course, this also may be due to the fact that the Club has gained respect through success and, as a result, is allowed to operate without interference). In combination, these factors have underwritten the Club's extraordinary success and may make easier for the Club to maintain the positions created by CIRCLE than it will be for other tribal programs.
- The funding freeze created significant challenges not only for programs that were new and/or fragile but also for well-established organizations like the Boys and Girls Club. Regardless, once the Club received its CIRCLE funding in December 2000, it moved forward quickly and accomplished much in a short time span.

### **Indicators of Ongoing Progress and System Change**

- An increase in the number of youth participating in Club activities
- Development of a relationship with the Tribal Court that allows delinquent youth to be referred to the Club
- A long-term decrease in gang-related crimes

### **Court Appointed Special Advocates Program**

The Court Appointed Special Advocates (CASA) program is receiving two separate grants under CIRCLE, one from the Tribal Youth Program/Volunteers for Tribal Youth Program (VYTP) and the other under the Children's Justice Act (CJA).

### **Goal – VYTP**

The goal of VYTP is to recruit individuals to volunteer and mentor youth in the Tribe's Emergency Youth Shelter. This program was placed under CASA because CASA already had instituted a volunteers program.

### **Progress and Challenges – VYTP**

As of February 2002, CASA had been unable to find a qualified candidate to run the volunteers program. The hope was to recruit an individual with a Master's degree so that youth being mentored through the program might also receive counseling services.

### **Observations and Lessons Learned – VYTP**

- CASA and other local entities are aware of the difficulties of recruiting highly trained candidates to reservation-based jobs, but external funders, evaluators, and review boards tend not to be. The result is a set of expectations about the possibilities for a program that might not be realistic, and such expectations can limit progress.
- Many tribes and rural communities face similar skills and recruitment dilemmas, and experience suggests that there are ways to relieve it. One option is to hire interns who are working toward Master's degrees for a semester or summer (indeed, some tribal service providers already are using this opportunity). A permanent CASA employee could supervise the intern(s), and this way, it would be possible to gain both expertise and program continuity. Another option is to contract with an outside organization (for example, a service provider located in Rapid City) for particular services, or to share an employee with another Tribe (which might allow a higher total salary). Ideally, the contractor or shared employee would travel to the reservation on a regular basis; alternatively, service recipients could travel to the provider, which is at least better than not being able to offer the services at all. A third option is to hire an individual who may not have the educational certifications, but has some experience and the dedication to do the work. Although the individual might not be able to provide counseling services, he or she could be a resource to refer people to other counselors, and the experience might even encourage the individual to seek the education necessary to provide counseling (CASA could support this option through flexible work hours or tuition contributions).

### **Goal – CJA**

The goal of the CIRCLE-affiliated CJA grant program at Oglala is to develop a “circle of investigation, prosecution, and services” around children who are abused.

### **Progress and Challenges – CJA**

CJA's grant programs fit exactly with CASA's purpose, which made CIRCLE funding quite helpful to CASA. Moreover, the CIRCLE-related CJA grant was awarded at a point when CASA's existing funding supported activities for only three-quarters of the year. CASA used CJA grant funds to pay a portion of three employees' salaries (the CASA director, a children's

mental health specialist,<sup>98</sup> and an office assistant) and the full salary of one employee (a child advocacy coordinator). Especially in the later stages of CIRCLE, this support freed the director to spend more time planning for the future, both in terms of funding and in terms of program development.

Because CASA already was struggling to survive, the funding freeze was particularly detrimental to its program implementation and progress toward CIRCLE goals. Even after the freeze was lifted, ongoing funding delays slowed CASA's progress. These arose both from the post-freeze funding request requirements and the fact that CIRCLE money flowed only indirectly to CASA – it was first paid to the Tribe and then paid out by the Tribe to CASA. CASA principals reported gaps as long as three months between the submission of draw down paperwork and their receipt of funds. It is unclear whether the delays originate within the tribal or federal government or both, but whatever the source, these funding gaps make it extremely difficult for programs like CASA, which have no “cushion” funds, to do their work.

Despite these problems, CASA has moved forward toward its goals. As noted, it has been able to hire more staff. Additionally, it has recruited and trained more advocates. As of February 2002, there were 27 active advocates, some of whom will be trained to work with abused children. It also has used CIRCLE funds to train service providers and provide community education on child abuse. In September 2001, CASA co-sponsored a training conference, which it called Wakanyeja Ob Kinanjinpi Nan Awanwicaglakapi (Stand Up For The Children And Watch Out For Them), that focused on inter-agency issues in child sexual abuse. Although the conference occurred a full year after the technical assistance request was submitted (a lag due in part to the funding freeze and in part to the difficulty of finding a time that was convenient for all potential attendees), it was a great success. A testament to its success is the fact that participants – police officers in particular – have asked for more trainings. CASA personnel and conference attendees both have noted that holding the meeting in Pine Ridge helped generate this positive experience, as the location allowed more community members and service provider staff to attend.

A pressing challenge that CASA has yet to address is its lack of capacity for data collection and analysis. CASA would like to have accurate local statistics on child abuse and other child protective needs and a better system for tracking cases. The Director has discussed this issue with the CIRCLE-funded probation officers, who have independently created systems for tracking their caseloads, but has concluded that the process is overwhelming, particularly because CASA lacks staff time and equipment to commit to the project.

### **Observations and Lessons Learned – CJA**

- Cross trainings, such as the one sponsored by CASA, are an effective way to bring multiple service providers together to learn not only about a particular issue but also about each other and the services they each provide. At least within the Oglala Sioux community, and perhaps generally throughout Indian Country, these trainings are most effective when they are easy to attend (that is, local).

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<sup>98</sup> TYP provides the remainder of this salary.

- CASA has avoided being distracted by the problems that characterize the OST justice system and has instead managed to work collaboratively with other tribal and non-tribal agencies toward their joint goals. In this regard, it may be a model for other CIRCLE partners. Through its involvement with organizations such as OOIO Wakanyeja Ikiciyapi Woophe (Children’s Advocacy Laws – Group #7, which is focusing on redrafting OST laws to better protect children) and the Sexual Abuse Task Force (which is focusing on developing protocols for all service providers involved in sexual abuse cases), OST CASA is able to do more than simply make sure an advocate shows up for a child’s interview or court appearance. The agency’s partnerships with other, complementary organizations help its staff concentrate on the best outcomes for children and, ultimately, on the bigger picture – overall justice system improvements.<sup>99</sup>

### **Indicators of Ongoing Progress and System Change – VTYP and CJA**

- An increase in the number of volunteers
- More local trainings
- Development of a database that helps CASA monitor child abuse cases and analyze overall trends in child protective needs

### **Victims of Crime Office**

#### **Goals**

The overall and CIRCLE-related goal of the OST Victims of Crime Office (VCO) is to develop a network of service providers (including the Department of Public Safety, Tribal Court, Attorney General’s Office, IHS Mental Health and Social Service programs, BIA programs, OST Human Services programs, private agencies, and advocacy groups) who offer important direct services for victims of crime and to improve victims’ access to those services.

#### **Progress and Challenges**

While the Victims of Crime Office is ten years old, its small size and large number of clients often have threatened to swamp it. With CIRCLE funds, however, the VCO director has been able to hire two part-time staff members and a TANF participant (to help with clerical tasks); together, they significantly increase the Office’s capacity to meet client needs. The workload sharing made possible by a larger staff also gives the VCO director time to assess needs and gaps in service provision and to reach out to new partners. OOIO and the Sexual Abuse Task Force are two such new partners, and VCO hopes that in the near future, it can incorporate traditional healing into its network of services. Additionally, the expanded staff improves Office outreach (staff members have had time to appear on KILI Radio, for instance).

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<sup>99</sup> The CASA program appears to be a true success story for the CIRCLE Project and the Oglala Sioux Tribe. A more specific case study (of CASA’s success, how it has met challenges, and how it might meet remaining challenges) may be a useful element of Phase II of the CIRCLE Project Evaluation.

## Observations and Lessons Learned

- Unlike the Victims of Crime Office, most of CIRCLE’s partner programs work with offenders or potential offenders. Initially, this difference meant that VCO tended to see the overall CIRCLE goal of crime reduction as “somebody else’s problem” (and, in particular, the Department of Public Safety’s problem). Through work on the CIRCLE team, however, VCO staff members have become convinced that all of the partner programs and all community members have a role in meeting this goal. They have come to realize that if each program works in the ways it can to improve the justice system, the system may eventually change, and crime will be better addressed and better deterred.
- OST VCO personnel believe that cultural components are vital to victims’ healing processes. However, the guidelines that regulate grants from the federal Office of Victims of Crime make it difficult to fund such components, and the OST Office has been forced to be more creative in supporting and fostering this aspect of healing.

## Indicators of Ongoing Progress and System Change

- An increase in number of victims served

Here we note that an increase would be an indicator of program progress and system functioning. Preliminary evidence, however, suggests movement in the opposite direction.

<b>Clients Served by the OST Victims of Crime Office</b>	
Fiscal year 1998	1,129
Fiscal Year 2000 (estimate*)	990

\* Estimate based on the number of clients served from January-June 2000 (445).

- Improved client follow-up
- The addition of traditional healing ceremonies to the menu of services offered to clients

## Tribal Youth Program

### Goals

The goal of the Tribal Youth Program is to ensure that detainees in the OST Juvenile Detention Center (JDC) have an advocate to liaise on their behalf with the JDC itself, the Tribal Court, and the OST Attorney General’s Office, and to ensure that every youth who enters and is released from the JDC receives an appropriate intake and release needs assessment. A long-term goal is to help coordinate various agencies’ services to youth to “wrap around” youth needs and, through this multi-faceted service provision, decrease juvenile incarceration.

## **Progress and Challenges**

Initially organized under Oglala Oyate Iwiciyakapi Okolakiciyapi, TYP was transferred to the supervision of the Tribe's juvenile judges. As of February 2002, only one Court Services Advocate for youth had been hired although there has been funding for two positions.

This single advocate has accomplished much. Prior to the development of the TYP and advocate position(s), it was not uncommon for the tribal Department of Social Services to place children at the JDC in lieu of finding foster homes. The Court Services Advocate, OOIO representatives, and tribal judges worked in cooperation on an order to prohibit such placements, an order which the advocate and JDC staff now actively enforce. As a next step, the advocate is working with the police to prohibit the use of criminal investigator holds, in which juveniles are placed in detention while waiting to be interviewed by a criminal investigator; there is no basis in law for this procedure, although some police officers have come to rely on it. The advocate also has developed and implemented an intake and release assessment process for the JDC, and works on implementing these plans with IHS mental health staff, parents, and schools. Finally, with the advocate's assistance, the JDC and other providers of services to juveniles are making progress in developing wrap-around service, although there is no formalization of this process (through, for instance, an inter-agency Memorandum of Understanding).

The TYP's primary challenge is the dearth of hearings in the Pine Ridge branch of the Tribal Court. In at least one instance, a juvenile waited in the JDC for an extended period of time with no word from the Pine Ridge court about a hearing, and the advocate had to push the Tribal Court into action. Some of the advocate's latest work may lead to significant change, however. She has begun exploratory conversations with staff of the SuAnne Big Crow Boys and Girls Club about the development of a teen court, which could be housed at the Club. A teen court could remove much of the juvenile hearings load from the Tribal Court and improve the speed with which justice services are delivered to tribal youth.

## **Observations and Lessons Learned**

- Institutionalized procedures help maintain change; for example, the Court order against the tribal Department of Social Services gives the Juvenile Detention Center and the Court Services Advocate ongoing power to prevent DSS from using the JDC as a "home" for youth in need of care. Similar institutionalization (MOUs or MOAs, ordinances, written procedures for the JDC, etc.) may be necessary to maintain the other positive changes the advocate has achieved. This is especially true if the advocate position(s) disappear with the completion of CIRCLE funding.

## **Indicators of Ongoing Progress and System Change**

- Decrease in juvenile recidivism
- Maintenance of CSA positions

## **Cangleska**

### **Goal**

Cangleska's overall goal is to enhance the safety of Native women. Its CIRCLE-related goal is a sub-goal is this overarching effort: it hopes to reduce violence against Native women by creating and installing an information networking system that is capable of generating and maintaining a domestic violence offender database.

### **Progress and Challenges**

Independent of and prior to CIRCLE, Cangleska had begun to develop a database of domestic violence offenders that could help the agency increase offender accountability and promote women's safety. However, information in the Cangleska database was available only to or through the agency's advocates and probation officers. Funding from CIRCLE has enabled Cangleska to hire a networking specialist whose work should expand system accessibility. As of February 2002, a communication tower for the system had been placed on the Kyle branch of the Tribal Court and work was underway on the placement of a Pine Ridge branch tower. CIRCLE also has provided some technical assistance funding for training system users.

Once the system is in place, tribal courts and jails should have access to up-to-date probation and protection order information. System access will still be specified by Cangleska, however, which will make victim safety the primary consideration its determinations. At a minimum, prosecutors and correctional officers will be able to access and add information.

### **Observations and Lessons Learned**

- Teamwork is not always an easy task. Convincing several different law enforcement agencies that it is a good idea for them to be linked online and coordinating the implementation of that vision has been difficult. The fact that Cangleska is not a tribal government entity but, rather, a non-profit tasked with law enforcement duties complicates the process: some individuals within the agencies to be networked have expressed concern about a non-law enforcement agency managing a law enforcement database. It may not be unreasonable for Cangleska to have this sort of involvement. Nevertheless, it is an issue that Cangleska and the tribal law enforcement agencies need to address and resolve, since outstanding concerns discourage potential users from entering data into the system or relying on the information it can produce.
- Cangleska, like CASA and the SuAnne Big Crow Boys and Girls Club, demonstrates that a non-profit can provide services that the tribal government, at present, is unable to. While even a thick layer of non-profits cannot substitute for a well-functioning tribal government, effective non-profits improve the health and safety of the community in the short run (that is, until the tribal government is reformed/rebuilt).

## VI. Promoting Change at OST through the CIRCLE Project

### Limitations on the OST CIRCLE Project's Theory of Change

A theory of change approach to evaluation identifies the intended outcomes of an initiative, the activities that need to be implemented to achieve the outcome, and the contextual rationale for the approach (Connell and Kubisch 1999). This sort of evaluation works well when attempting to assess the progress of a comprehensive initiative, since it acknowledges a community's self-knowledge, the fact that different outcomes may be desired in different communities, and that the means even for achieving the same goal may differ between communities. Ideally, this type of evaluation helps change agents consider which programs and processes are moving toward a goal and which are not, allows them to re-assess their strategies, and promotes more effective deployment of limited resources. In sum, planning, implementation, and evaluation fit hand-in-glove through this methodology.

Unfortunately, it has been difficult to apply a theory of change based evaluation framework to the OST CIRCLE Project and, thus, realize the benefits of such an approach. The problem has been the lack of a well-worked out, consistent, and complete logic model to guide CIRCLE's work at OST. This is not to say that the CIRCLE Project has not had remarkable outputs; it has, and they are detailed in the foregoing section. Nor is it to say that tribal implementers lack an understanding of what, how, and why justice-system enhancing change should be effected within their nation. Rather, the problem is that both tribal political interference and federal limitations on action have restricted the object and means of CIRCLE's work, and these restrictions have made it impossible to state and put into practice a workable logic model and theory of change for CIRCLE – not to mention having made it difficult for the OST Project overall to move forward in a coordinated way to accomplish change.

Two observations support this conclusion. For one, OST set two different goals (and perhaps three, depending on one's interpretation of the Project's third-year focus) for its CIRCLE Project funding<sup>100</sup>: in the first year, CIRCLE's goal was to decrease crime by 20% through improvements to the lives of Oglala youth; in the second year, the goal was to address substance abuse, domestic violence, and juvenile crime through efforts to make justice system institutions more effective; in the third year, the team narrowed its institutional focus to rebuilding the tribal court. Certainly, theory-of-change based evaluation supports the refinement of comprehensive initiatives over time – yet *goals* are not the usual object of refinement in the implementation of a comprehensive initiative. More commonly, underlying *ideas* about how change works in the community (“We thought the mayor was really the key, but it turns out that the comptroller is”) or about the *activities* that support change (“We thought community education would create popular pressure for the mayor to change her mind, but it turns out that she responds better to a face-to-face meeting”) are subject to revision. OST's changing goals thus signal several possibilities. One is that the Project's local designers were given insufficient time to think through community problems and aggregate that information into a correct, cohesive, and

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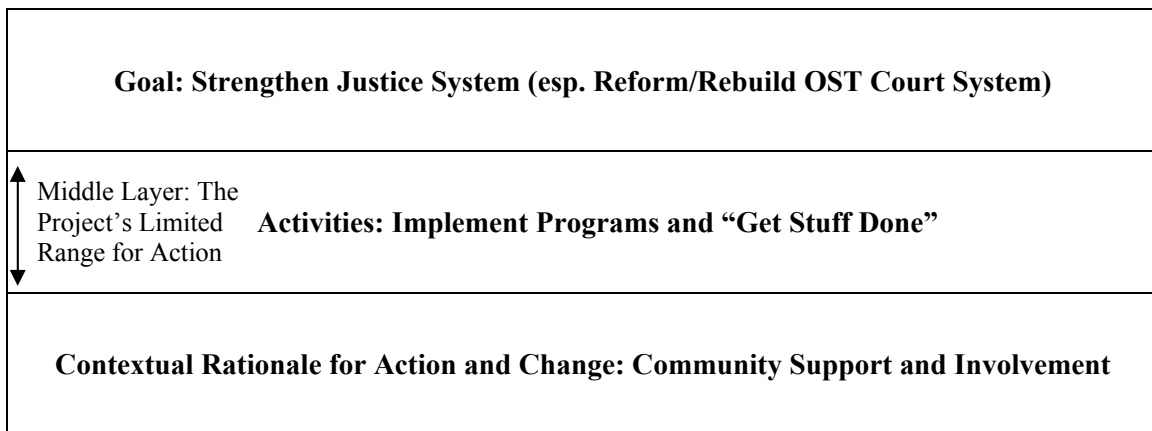
<sup>100</sup> This paragraph may be interpreted as being critical of the fact that OST changed its goals mid-stream. It should not be. Instead, it is intended to shine a light on the circumstances that led OST Project designers to set an original goal that was both unrealistic and inapplicable to the Tribe's real needs. Indeed, the Project's leaders should be commended for refocusing on those needs and determining to meet them through nation building.

consistent goal; given the lack of early assessment in the CIRCLE Project (Fisher 1998, p. 1) this is a strong possibility. Another is that, given the context, especially the political situation at OST, it was unadvisable or even dangerous to address a particular problem (or perhaps to explicitly address it) through CIRCLE. Only at mid-stream did OST’s CIRCLE Project move toward what many consider the critical community justice issue at OST, which is reform of the judicial system. It is possible that had CIRCLE defined this goal at the outset, it might not have been allowed to pursue its work at all.<sup>101</sup>

The fact that community participation in and supervision over the Project was absent until a year and a half into implementation (and even then, in a relatively informal way) also supports the assertion that OST’s CIRCLE Project was constrained from putting a workable logic model into practice. Both internal and external analysts have argued that legitimate action occurs less through central tribal government functioning than it does through “lower-level” community-based institutions. And yet, the menu of funding offered by the U.S. Department of Justice (and the restrictions on that funding), strongly discouraged the inclusion of this type of oversight. In other words, people know how legitimate change occurs within the community – they have an overarching theory for effecting progress – but it has not been easy for them to apply it to CIRCLE.

One way to see what CIRCLE has been struggling with is to picture a logic model or theory of change as having three layers: the top layer is the problem to be solved, or the Project goal; the second is the implementation of programs in support of that goal; and the third is the contextual rationale that supports this approach. Having been prevented until quite recently from being clear about the Project’s ultimate goal and having been discouraged from relying on the known supportive processes for system change, OST’s CIRCLE Project has been able only to work in the middle – implementing programs and “getting things done,” but not necessarily being capable of creating sustainable momentum for fundamental system change.

**Figure 1: The Range of Motion for OST’s CIRCLE Project**



<sup>101</sup> Politics influenced the design of the CIRCLE Project in year 2 in yet another way: tribal political-financial difficulties led to the first-year funding freeze and, during the planning phase for year 2, forced the Coordinator and partners to focus on the Project’s survival rather than on goal-setting, strategy, and a well-worked out logic model.

## Findings and Conclusions of Preliminary Process Analysis

The discussion above has a number of implications for the OST CIRCLE Project, which emerge as findings and conclusions of the process evaluation. They are listed and discussed below.

- *Greater Progress toward Change is Likely to Require Greater Community Involvement.* At many meetings and in many interviews and conversations with evaluators, community members stressed a need for change in the justice system – but it was also obvious that they were not engaged in CIRCLE’s work. According to many tribal members, it is also the case that the IRA government has not fostered change, nor is it often supportive of it. From OOIO to the take over at the Red Cloud Building, it is apparent that the community is an important change agent. Given this, the future of the CIRCLE Project greatly depends on its ability to draw in the grassroots. Sources of funds other than the federal government might have to be tapped, or non-monetary resources deployed to the task. One positive point is that the Tribal Council elected in 2000 has tried to make more of a commitment to change and to become more involved in community meetings, which may make CIRCLE’s work easier. Critically, however, the Council needs to *continue* to empower the community and to support, assist, and foster change – even through election cycles.
- *Substantive Change is Likely to Require a Greater Focus on Nation Building.* CIRCLE’s final goal of court rebuilding probably cannot be accomplished without greater support at the Tribal Council level. The Tribal Council has expressed interest through their idea of an OST Department of Justice, but this move must not be a simple re-naming of the system already in place – the Tribe must address the OST justice system’s fundamental problems. A nation building frame for thinking about these problems would help the Council focus on reforms that might result in a more effective, culturally appropriate justice system. CIRCLE’s partners and the Coordinator must find ways to talk to the Tribal Council about this viewpoint, demonstrate its importance, and work through their programs to support the Council in making positive change.
- *Effective Change is Likely to Require More Conscious Incorporation of Cultural Practices.* OST CIRCLE team members have recently begun to discuss the fact that in order to have a strong nation, they need strong governing institutions that fit their culture. This is not to say that this is a new realization but, rather, one that the group is increasingly prepared to act upon in their programs. There is a sense (which is supported by theory and research, see for example, Cornell and Kalt 1995) that culturally empowered institutions and practices will be more effective. Reasonable initial projects (proposed by the CIRCLE partners and supported here) include a better integration between community policing and the practices and authority of traditional people and traditional culture (such connections can help reinforce the fact that policing is not simply about enforcing the law but also about helping parents get truant children back in school, serving dinner to the elderly, and playing basketball with the youth); the use of traditional healing

ceremonies for victims of crime; offering sweats for youth in the Juvenile Detention Center; and incorporating Lakota spirituality into the adult correctional facility's detoxification program. The OST CIRCLE Coordinator and partners must work with USDOJ (and other funders) to help them see how these non-Western definitions of policing, healing, and treatment are appropriate targets of support within the overall initiative.

- *Effective Change is Likely to Require Ongoing Support of Local Change Leaders.* Because of the especially challenging environment in which change is being attempted, ongoing progress will require consistent and committed leadership. This is the only CIRCLE pilot that experienced turnover in the Coordinator position, and additional turnover may be harmful.<sup>102</sup> To keep progress moving forward, retaining the current Coordinator is probably critical, and steps to support her in this position are equally critical. Support might come in the form of additional USDOJ-funded training for the partner team (especially training that might complement the Coordinator's skill set), resources for the coordinator position from USDOJ or some other funder, and resources to support the Coordinator's renewed attempts to implement a theory of change based strategy (such as money for community education projects related to CIRCLE).
- *Realistic Expectations for Change Will Arise from a Closer Examination of the Local Context.* Given the context, initial expectations – especially external expectations – about the amount of change that could be fostered by the OST CIRCLE Project were unrealistic. This point is reflected in conversations the CIRCLE partners have had about arrest data, in the trouble the Bureau of Prisons has had establishing a reservation-based halfway house and the parallel difficulties CIRCLE affiliates have encountered in planning a CPO-funded detention facility, and in the effect of OST's somewhat endemic political instability on justice system functioning, among other things. These kinds of contextual information should not have dissuaded USDOJ from inviting OST to participate in CIRCLE; instead, they should have helped USDOJ work productively with OST to conceptualize a more realistic and workable strategy for change. It is not too late to pay such attention to context and strategy.
- *Ongoing Evidence of Change Will Require the Development and Use of Relevant Statistical Data.* Most of the OST CIRCLE components collect data in some manner – the difficulties are understanding whether it is the correct data with which to mark progress, finding ways to sustain its collection, and finding some means to pool data and encourage its comprehensive interpretation. At least one interviewee emphasized the need for a statistical department or cross-agency representative who could focus on justice system data collection and use. Ultimately the Tribe may want to augment the system being put in place by

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<sup>102</sup> The point is not that turnover *per se* is detrimental – in fact, since it led to the employment of a highly skilled third Coordinator, the turnover to date may have had a positive result. Instead, the point is that a program like CIRCLE benefits from both strong and consistent leadership, that further instability in this position is risky, and thus, that support ought to be provided to maintain and encourage the current leadership.

Cangleska with an even broader inter-agency tool. Whatever decisions are made, more organized data collection is critical. It will help the Project move beyond basic program implementation to performance assessment and the refinement of partner efforts: if the CIRCLE partners determine that their programs and processes are not having the hoped-for effects, they can determine and make necessary adjustments.

- *Reflection on Past Successes May Inspire the Team for the Work Ahead.* At this point, the OST CIRCLE Project faces several daunting challenges. One is to motivate broad acceptance (particularly tribal government acceptance) of its goal to rebuild the OST court system. Another is the impending end of federal funding for CIRCLE. In the face of these challenges, team members might benefit from reflection on their past accomplishments. They have already done much to improve the system, particularly in terms of “gap filling” (putting programs in place where there were none before). Having endured the freeze in federal funding, they have survived much and gained strength. These experiences can energize them for the road ahead.
- *Future Success Will Depend on Ongoing Teamwork.* OST’s CIRCLE Project has built on the teamwork of OOIO and brought additional players to the table. These partnerships will be useful for the stages ahead and, indeed, ought to be expanded (key players that are still missing include tribal prosecutors and a variety of federal agencies). The tribal-federal partnership also has been critical and should somehow be institutionalized.

## **Chapter Appendix: Template Report**

The joint Harvard Project-OST evaluation team used a template to guide evaluation of the OST CIRCLE Project. This appendix documents the implementation status of each template component as of mid-2002.

### **Interviews with the Directors of CIRCLE Project Component Programs**

External evaluators visited with directors and staff of the various CIRCLE Project components during each of the three site visits to better understand how the components fit into CIRCLE, what their goals are, and how they are making progress towards those goals. The end product of these interviews can be found in the substantive report *Community and Nation Building at the Oglala Sioux Tribe: The Oglala Sioux CIRCLE Project*.

### **Identification of Extant Quantitative Data and Its Usefulness as Baseline/Benchmark Measures**

Most of the OST CIRCLE Project's partner programs collect some type of quantitative data. (The full report identifies some of the specific extant data.) However, there is no consistent mechanism through which justice system data can be compared or aggregated. Indeed, much of the data is kept in paper format only and according to systems developed by individual staff members. Numerous interviewees mentioned the need for a single system that could aid in the collection, sharing, and comparison of criminal justice system data.

### **Mini-Cases**

Students who will write mini-cases and the subject of these cases are still being identified. This will continue into Phase II of the evaluation.

### **Cross Agency Partnership Survey**

Evaluators asked questions about changes in communication and partnership in the partner program director and staff interviews. They also conducted an informal written survey and a discussion on this topic during the Phase I exit meeting.

### **Focus Groups**

To date, two youth focus groups have been conducted. The purpose of the focus groups is to assess the community's attitudes towards law enforcement and the tribal justice system. The focus groups are also an opportunity to educate the community about the CIRCLE Project. Additionally, the groups help generate questions and format information for a community-wide survey on the tribal justice system.

One focus group was held with high school students and another with students in Kiyuksa Otipi, the Kyle Juvenile Detention Center. The findings from the two groups include:

- There are no services for youth being integrated back into the community after incarceration. Instead of helping youth, police target juveniles who have been

released from detention and harass them. American Indian probation officers might alleviate this problem.<sup>103</sup>

- Youth feel there are few or no consequences for misconduct and illegal acts. They cited an incident at Red Cloud School where two youth brought firearms to school, were arrested, and were released as soon as their parents came after them. Moreover, the incarcerated youths feel that if there had been consequences at the tribal level, they would not have ended up in the federal system.
- The youth at Kiyuksa Otipi feel there is not a graduated punishment system within the detention center. Their perception is that youths violating center rules received the harshest punishment permissible.
- Juveniles incarcerated at Kiyuksa Otipi reported an absence of classes through which they could continue their educations.
- High school youth feel the tribal police “have attitudes,” and several students stated that they had witnessed and heard stories about police “acting higher, better than other people.”
- Youth feel that the 7 p.m. curfew is too restrictive. Once the school is shut down at 7 p.m., there is nowhere for youth to play.
- Tribal police are spotlighting homes in the cluster housing. If youth are on the lawn or porch, the police will shine their lights on them. Sometimes the police even walk up to houses and shine their flashlights in the windows.
- High school youth feel that some school security guards are too aggressive and search students improperly. They think security cameras would be more appropriate as a security precaution.
- The youth question what the tribal police do with the alcohol they confiscate – there is a belief that the police get drunk on the weekends. If true, this sets a double standard. The youth also questioned whether the police were fair in enforcing alcohol-related violations. One youth cited an instance where a drunken individual approached her father and incited a fight. Her father was placed in the drunk tank even though he had not been drinking.

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<sup>103</sup> We note the possible contradiction here with statements in the main text that juvenile prosecution (and, hence, incarceration) was not occurring at Oglala Sioux. Our understanding is that this comment was made by a tribal-member youth on federal probation – that is, someone whose offenses were adjudicated and penalized outside the tribal system. It could equally well have been made by a youth from another tribe living on the Pine Ridge Reservation after having been incarcerated in the juvenile facility there (the facility houses juveniles from several other Lakota/Sioux tribes).

- The youth feel police harass them. They cited an instance when the police came in and tried to shut down a Youth Opportunities dance at 11 p.m., when it was scheduled to go until 12 a.m.
- Some youth reported that police conduct searches of young women improperly – by pulling their bras or touching them inappropriately.
- Students living outside the populated areas of the reservation agreed that most of the problems happen in the populated areas and not in “the country.”
- Gang fights are occurring some of the housing areas (such as Wanblee).

### **Quality Assurance Team**

A formal Quality Assurance Team (QAT) has not yet been formed. However, the CIRCLE Project Coordinator and the lead on-site evaluation team member have functioned as an informal QAT. All evaluation materials and activities have been discussed with them. The Coordinator updates the OST CIRCLE team in meetings and in informal settings on activities of the evaluation. The Coordinator and lead on-site evaluator then provide the off-site evaluation team with any feedback or concerns.

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