



Opportunities for Tribes to Collaborate with the State of Alaska

There are several options for Alaska Tribes to work with the State on justice related matters. One of the options provides an opportunity to become involved in State criminal matters involving tribal citizens.

1. Rule 11 Plan between the Tribe and the Alaska Court System

This option is often called a 'Rule 11' agreement because Alaska Criminal Rule 11 encourages the use of restorative justice practices in state court proceedings. This agreement provides a way for Alaska Tribes to become involved in state court cases and to make culturally appropriate sentencing recommendations. Tribes can become involved in cases involving their tribal members and may hold sentencing circles (or similar proceedings) to make sentencing recommendations to state court judges.

2. Civil Diversion Agreement (CDA) between the Tribe and the State Attorney General

The CDA diverts certain misdemeanor cases directly to an Alaska Tribe's court for sentencing. When the CDA is signed, any law enforcement officer offers diversion for certain misdemeanors. The person chooses whether they would like to go to tribal court for sentencing, or to state court for prosecution. The Alaska Tribe's court may impose restorative sentences or other appropriate penalties. If the tribal penalty is completed, the person will have no state criminal record. If the tribal penalty is not completed, the State may prosecute the case.

3. Memorandum of Understanding (MOU) between the Tribe and Department of Health and Social Services, Division of Juvenile Justice (DJJ)

The MOU allows certain juvenile cases to be diverted from the state justice system to the Tribe for sentencing. DJJ reviews cases for juveniles who have been charged with minor offenses and diverts the cases that DJJ thinks are appropriate. Referring cases to the Tribe is at the discretion of DJJ, it is not automatic. When a case is diverted to the Tribe, the Tribe may impose restorative sentences or other appropriate penalties. If the tribal sentence is completed, the state case will be closed. If the tribal sentence is not completed, the DJJ may petition the State Court to prosecute the juvenile.

If your Tribe is interested in collaborating with the State ANJC is here to help.

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