



Saint Regis Mohawk Tribal Courts

JUSTICE STRATEGIC PLANNING PROJECT

Justice Needs
Survey Results



Justice Needs Survey

What We'll Talk About This Evening

- Context for the (informal) Justice Survey – How and Why it was conducted
- How the Survey was conducted and its results
- We have a lot to cover in a short time, so this meeting is focused on the Survey



Justice Needs Survey - Context

-- In 2023, it is 75 years since 25 U.S. Code Section 232 (1948) allowing New York to exercise concurrent (NOT exclusive) criminal jurisdiction – *against Tribes' wishes*.
“New York’s Quest for Jurisdiction over Indian Lands,” *Judicial Notice* (2019)

[19 Judicial Notice compressed.pdf \(nycourts.gov\)](#)

-- 2020 USDOJ Grant to conduct a Tribal Justice Needs Assessment especially to gather the Community’s experiences and thoughts about exercising criminal jurisdiction, Native offenders only? Native *and* Non-Native? DOJ’s policy for Tribes is encourage expanding self-determined courts or justice programs (and help pay for it)

-- Three Phases of this project:

Phase 1 - Establish an advisory board with both SRMT and MCA entities, coalitions, and non-government organizations active in Akwesasne. Question: How best for Akwesasne to reform justice and weave in traditions, Great Law principles, and community values, so any changes are not just a re-do of NY laws and justice systems

Phase 2 – Needs Assessment, Data Collection, and Community Engagement -- advertised extensively on the Tribe’s website and Facebook page, Tribal Courts’ website, CKON one-hour interview, Akwesasne Coalition for Community Empowerment meetings

Phase 3 – Writing a *long-term (10-year plan)* to address Community’s needs and system design, will qualify the Tribe for priority funding



Justice Needs Assessment

Survey is only one part of Phase 2 Community Engagement, also includes focus groups and more, for example:

- ❖ Youth Justice Listening Circles (total of 5), south and north
- ❖ Domestic Violence Survivor Listening Circle and questionnaire
- ❖ Data Collection (state, federal, and **Indigenous Data focus**)
- ❖ Meetings with affected programs of MCA and non-governmental organizations
- ❖ SAMHSA Strategic Intercept Model (SIM) Exercise and mapping
- ❖ Frontline Victim Services workers meeting and mapping of services
- ❖ Meetings with external justice segments (such as D.A./Judges)



Justice Needs Assessment

Overall in the Project, **Five** Main Study Areas Have Emerged:

- (1) Whether or Not to Exercise Criminal Jurisdiction, and Native/Non-Native – When and preparation that will be needed
- (2) Youth Justice innovation, how to keep Youth out of the courts as youth, and later as adults
- (3) Domestic Violence Survivor Protection Order streamlining of orders issued in NY by NY or Tribal Court, and issued in Canada but with cross-border impact
- (4) Elder Justice and Abuse Education and Response
- (5) Reintegration to the Community of Persons Returning After Incarceration or Long-Term Mental Health Treatment



Justice Needs Survey –

- The Survey was informal, part of Phase 2 and will be (only) part of what informs Phase 3 strategic planning
- Not a referendum, any proposed codes would be in the future
- Community Meeting planned in the future on the long-term Strategic Plan

Process for this evening:

- We'll go through all of the questions
- Please write down or remember the Question # that you have a question or comment for, and we'll go back over the sections with comments, one by one
- We cannot discuss active cases and investigations
- *Optional* – you may indicate *if you choose* to say whether or not you participated in the Survey. If you did, we won't know what your comments were (confidentiality)



Justice Needs Survey

- Informal survey of the Akwesasne community to determine justice issues on the territory, part of overall Community Engagement strategy
- Developed from Akwesasne experience, informed by 5 other tribes' similar surveys for the same strategic planning grant, researched and assembled by a Cornell Masters candidate student intern, reduced # of questions through special topics in Focus Groups (see above), reviewed by DOJ Technical Advisors, and reviewed several times by the Advisory Board to ensure specific Akwesasne context – finally down to 29 Qs with comment boxes
- Advertised on Tribe's website and Facebook pages, Tribal Courts website, CKON interview, open ~60 days/2 months
- Conducted both online and on paper - 136 total responses - 130 online using *Survey Monkey* platform, 6 on paper



Survey – 10 Sections, 29 Questions, 10 Comment Boxes

Sections

** Comment Boxes provided*

- 1 - Demographic Questions
- 2 – Your Personal Safety Perception (Q6)*
- 3 – Perception of Criminal Justice Challenges – In General
- 4 - Perception of Criminal Justice Challenges – From a Victim/Survivor’s Perspective (Qs 11 and 13)*
- 5 - Perception of Criminal Justice Challenges – Experience Within the CJ Systems
- 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend to the Community (Qs 19 and 20)*
- 7 – Familiarity with Justice Systems in Akwesasne
- 8 – The Tribal Courts and Study About a Possible Tribal Criminal Justice System (Qs 25, 26 and 27)*
- 9 – Members Living Outside Akwesasne (Q28)*
- 10 – Final Reflections (Q29)*



DEMOGRAPHIC QUESTIONS

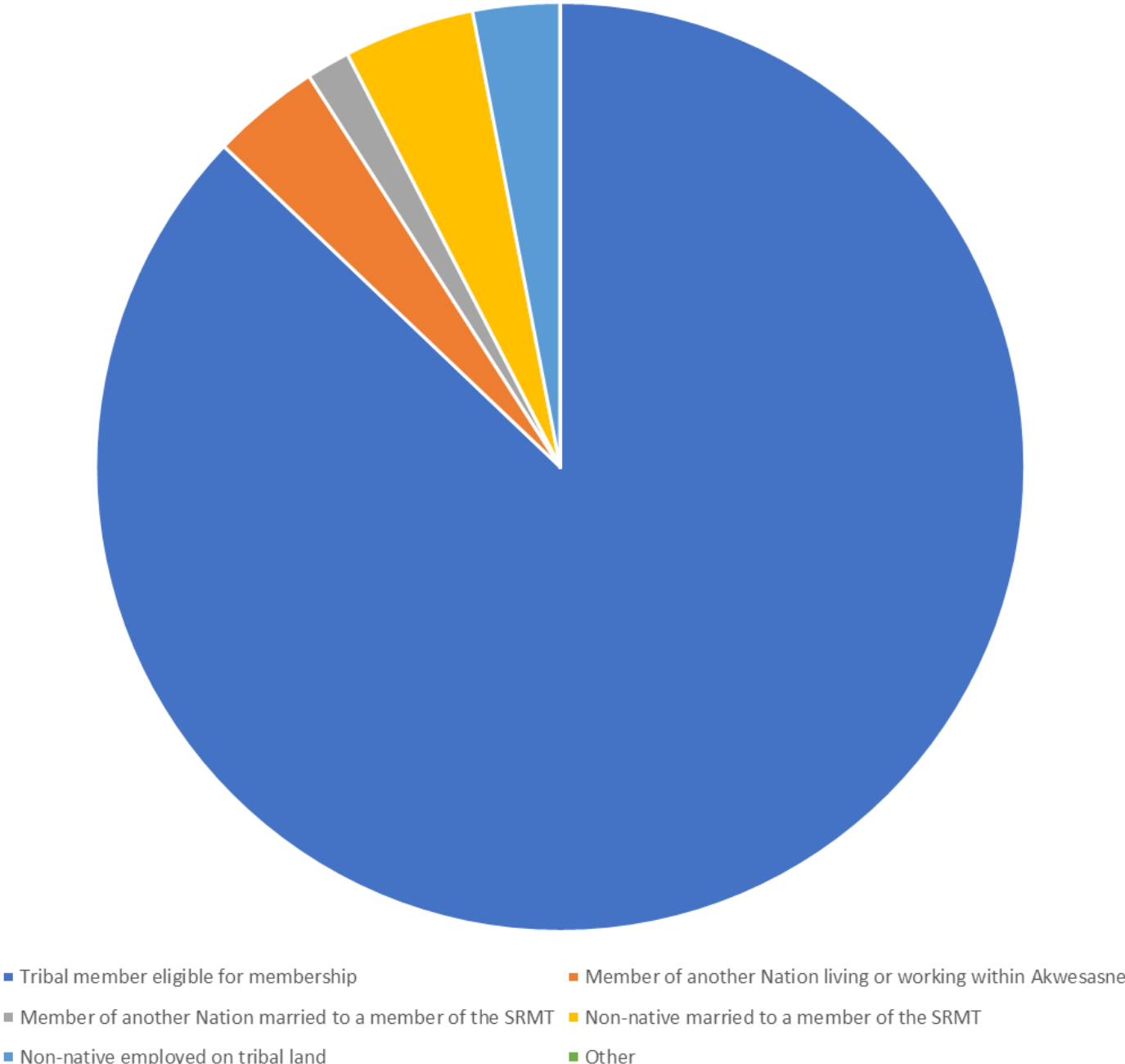
Section 1



Section 1 –
Demographic Questions

Tribal member eligible for membership	115	87.1%
Member of another Nation living or working within Akwesasne	5	3.8%
Member of another Nation married to a member of the SRMT	2	1.5%
Non-native married to a member of the SRMT	6	4.5%
Non-native employed on tribal land	4	3.0%
Other	0	0.0%
Total Responses	132	100.0%

Q1 - What is your relationship to the Saint Regis Mohawk Tribe?

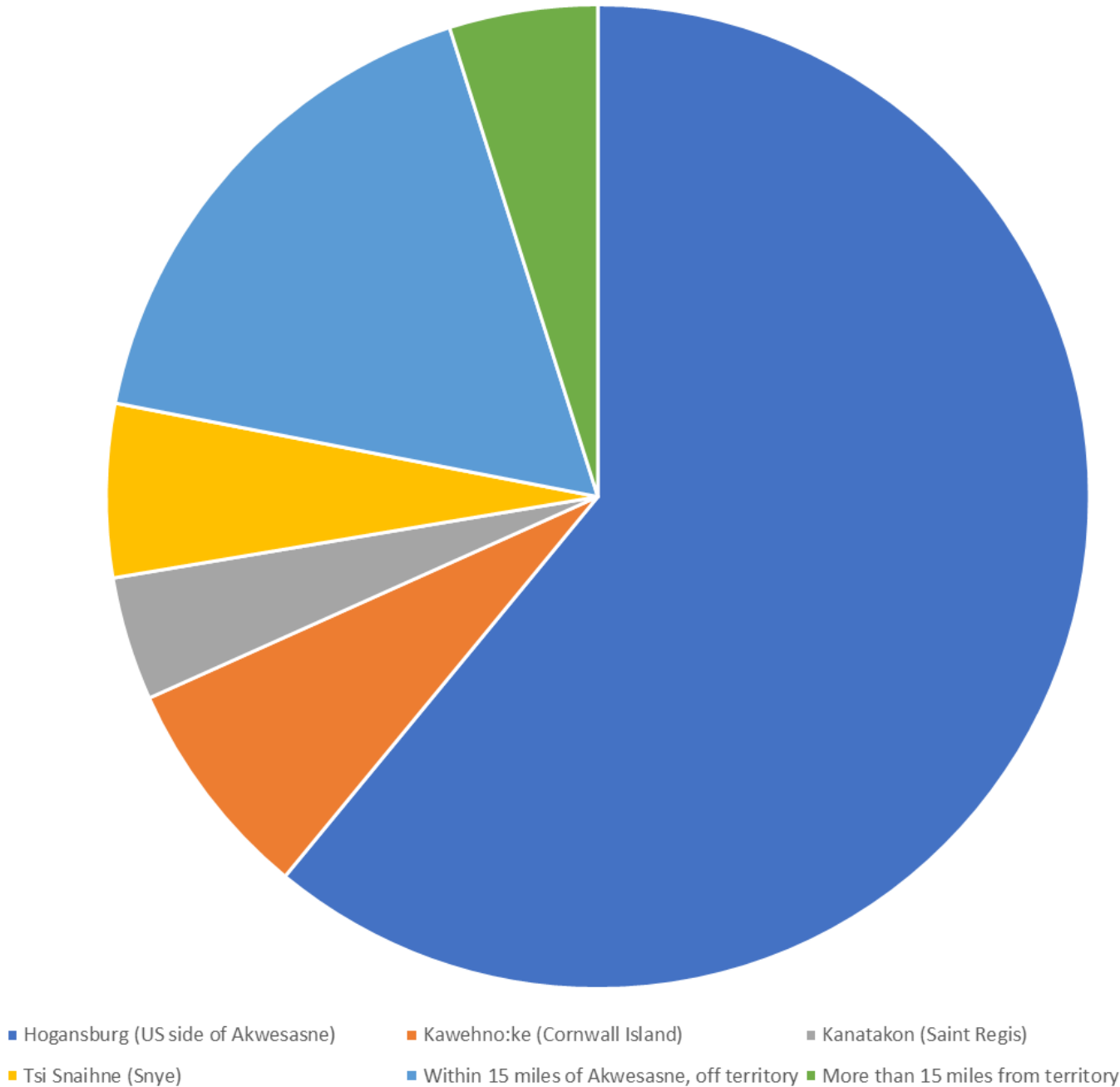




Section 1 –
Demographic Questions

Hogansburg (US side of Akwesasne)	75	61.0%
Kawehno:ke (Cornwall Island)	9	7.3%
Kanatakon (Saint Regis)	5	4.1%
Tsi Snaihne (Snye)	7	5.7%
Within 15 miles of Akwesasne, off territory	21	17.1%
More than 15 miles from territory	6	4.9%
Total Responses	123	100.0%

Q2 - If you are a tribal member, where do you live?

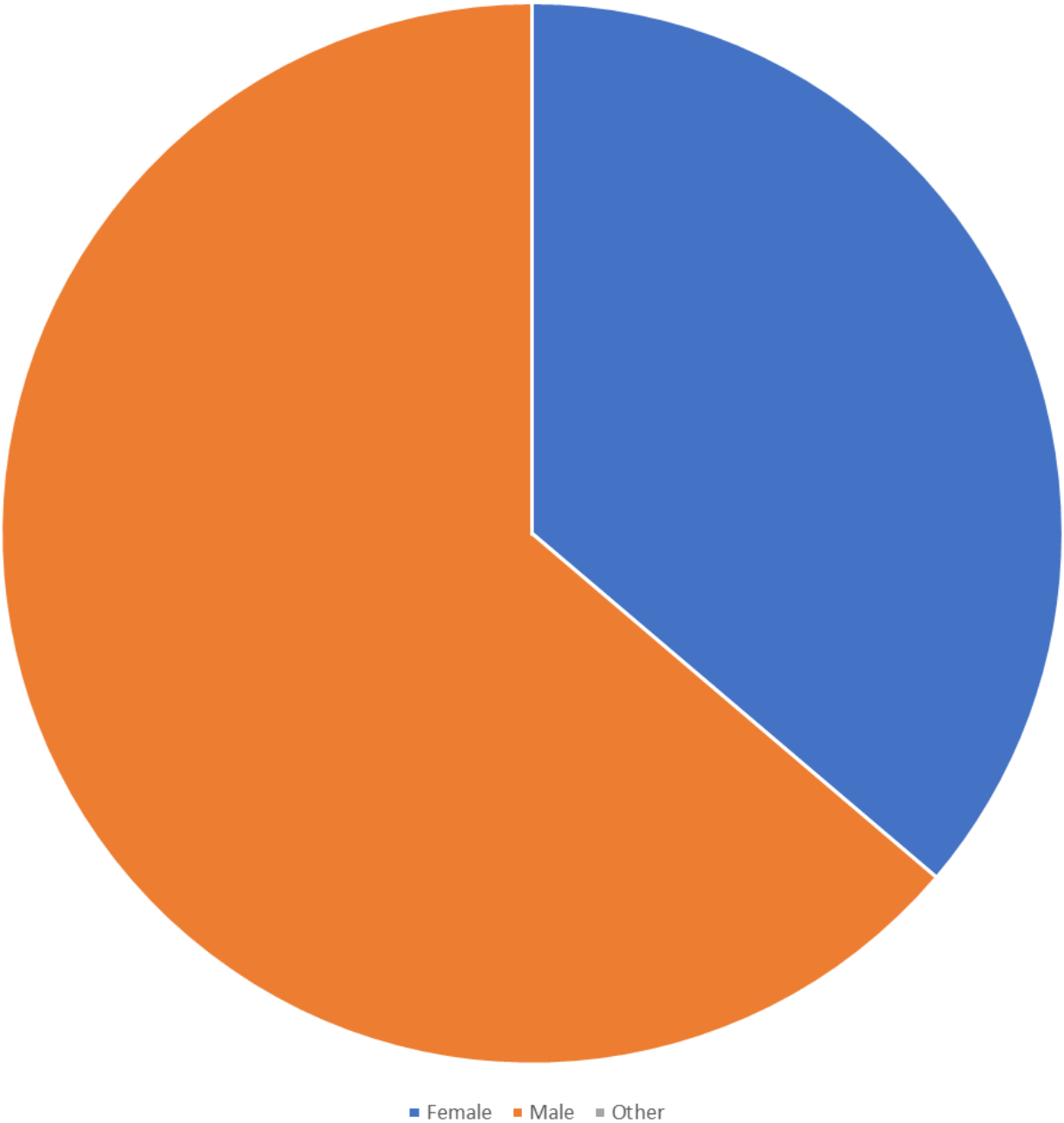




Section 1 –
Demographic Questions

Female	46	36.2%
Male	81	63.8%
Other	0	0.0%
Total Responses	127	100.0%

Q3 - What is your gender?

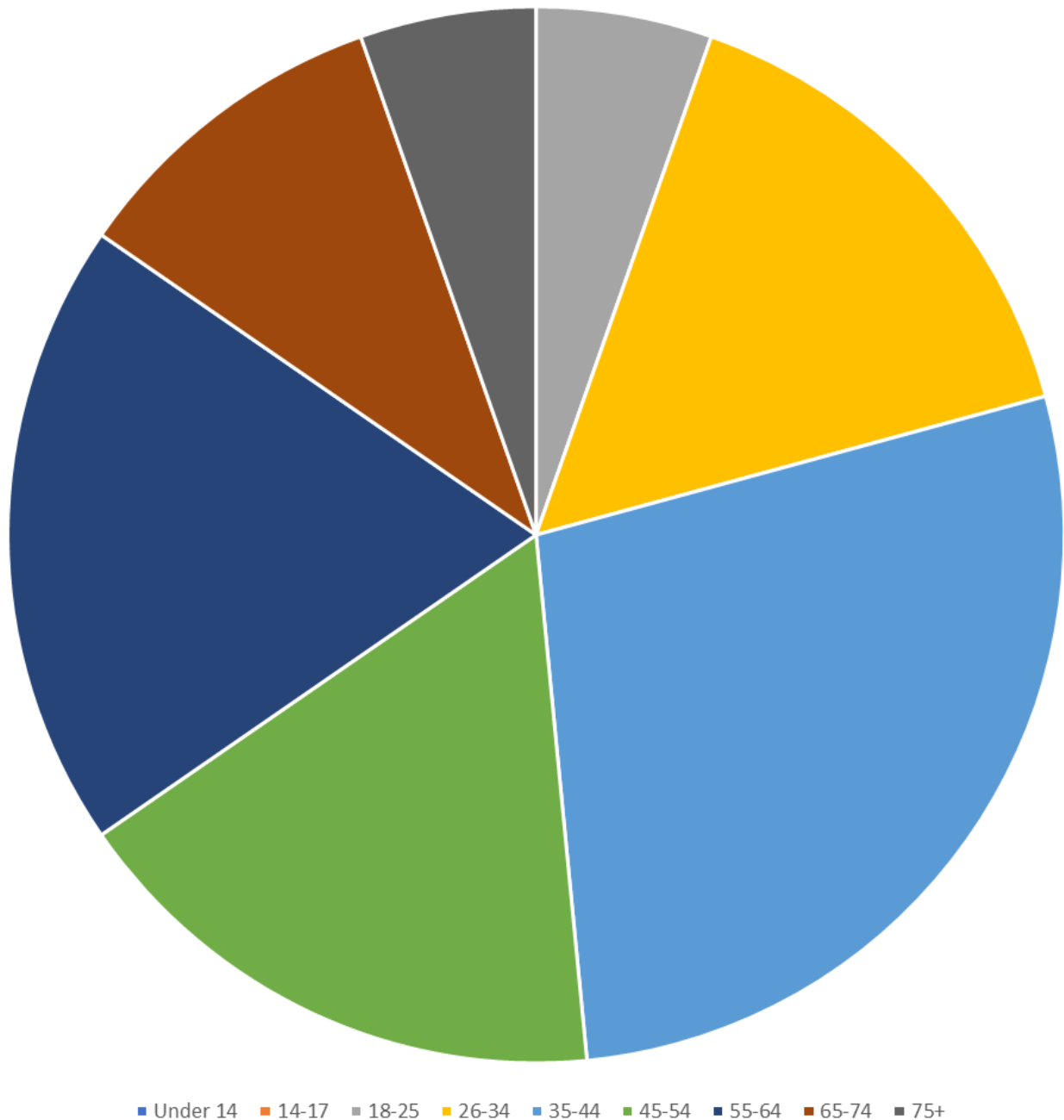




Section 1 –
Demographic Questions

Under 14	0	0.0%
14-17	0	0.0%
18-25	7	5.4%
26-34	20	15.4%
35-44	36	27.7%
45-54	22	16.9%
55-64	25	19.2%
65-74	13	10.0%
75+	7	5.4%
Total Responses	130	100.0%

Q4 - What is your age?





YOUR PERSONAL SAFETY PERCEPTION

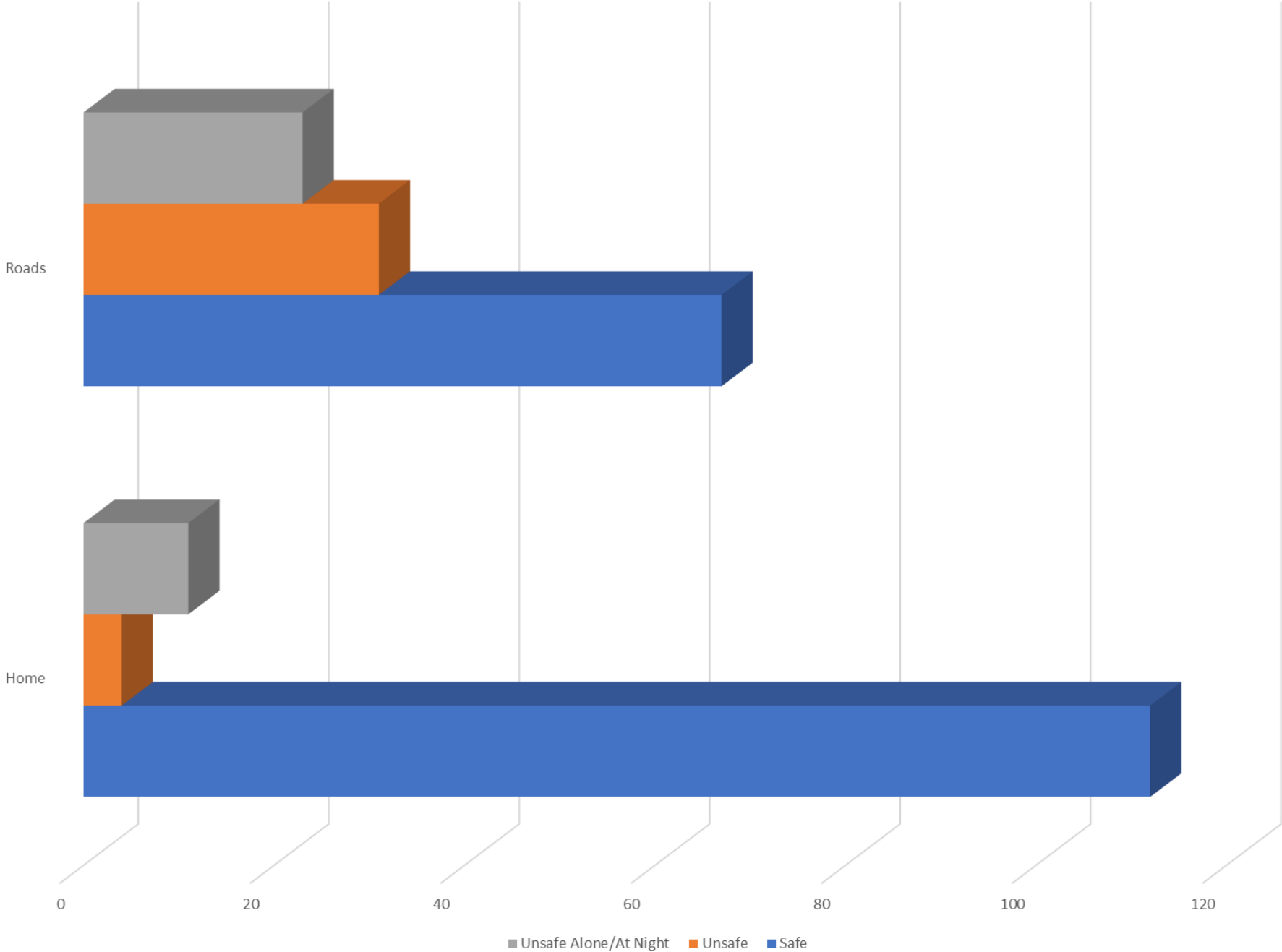
Section 2



Section 2 –
Your Personal Safety Perception

Location	Safe	Unsafe	Unsafe Alone/At Night
Home	112	4	11
Roads	67	31	23

Q5 - When you are in Akwesasne, do you feel safe or unsafe in the following locations?





Q6 – If you feel unsafe in any location in Akwesasne, where and when?

Section 2 – Your Personal Safety Perception

- 9 comments - *Roads: Speeding, illegal passing, aggressive drivers, tailgating, no insurance, and not respecting school bus drop-offs and elder drivers*
- 8 comments – *Roads: Drunk and drug-impaired driving*
- 7 comments - *High speed chases, people who run from the Tribal Police, exploiting the border/SRMTPD and AMPS jurisdictional issues*
- 5 comments - *Known drug dealing on the Territory and finding needles*
- 4 comments – *Sense of lawlessness with specific personal safety examples at home*
- 3 comments - *Unsafe due to the MJ dispensaries and people driving onto and in the Territory to buy MJ*
- 2 comments – *Suggested traffic solutions such as strategically-placed speed bumps*
- 1 comment – *Unknown people coming onto the Territory to the Casino*
- 1 comment – *Thugs with guns driving around*
- 1 comment – *ATVS driving unmarked and erratically*
- 1 comment – *Loose dogs*
- 1 comment – *Too many billboards, distracting to drivers*
- 1 comment – *Need more late-night traffic patrols*



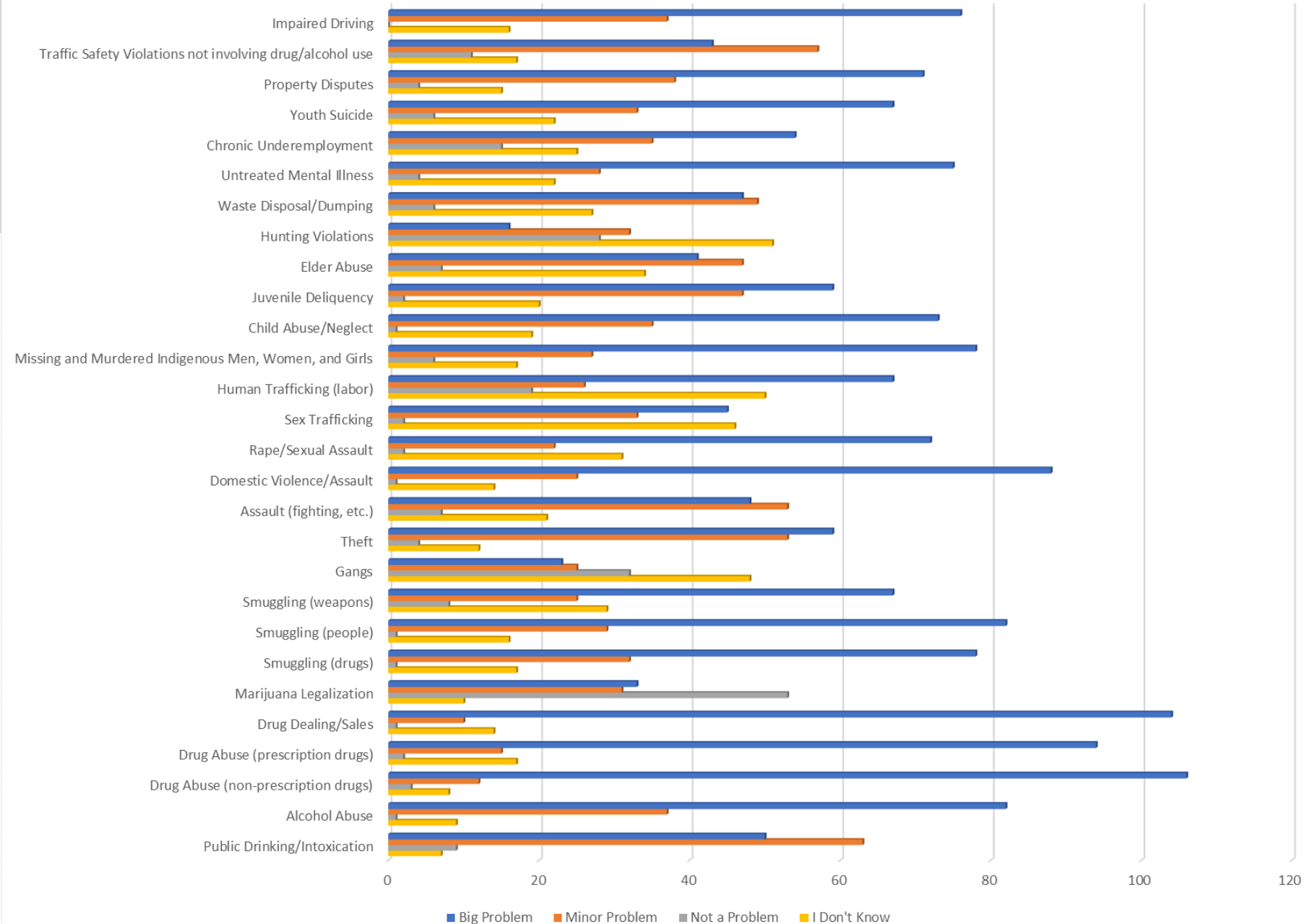
PERCEPTION OF CRIMINAL JUSTICE CHALLENGES – IN GENERAL

Section 3



Issue	Big Problem	Minor Problem	Not a Problem	I Don't Know
Public Drinking/Intoxication	50	63	9	7
Alcohol Abuse	82	37	1	9
Drug Abuse (non-prescription drugs)	106	12	3	8
Drug Abuse (prescription drugs)	94	15	2	17
Drug Dealing/Sales	104	10	1	14
Marijuana Legalization	33	31	53	10
Smuggling (drugs)	78	32	1	17
Smuggling (people)	82	29	1	16
Smuggling (weapons)	67	25	8	29
Gangs	23	25	32	48
Theft	59	53	4	12
Assault (fighting, etc.)	48	53	7	21
Domestic Violence/Assault	88	25	1	14
Rape/Sexual Assault	72	22	2	31
Sex Trafficking	45	33	2	46
Human Trafficking (labor)	67	26	19	50
Missing and Murdered Indigenous Men, Women, and Girls	78	27	6	17
Child Abuse/Neglect	73	35	1	19
Juvenile Delinquency	59	47	2	20
Elder Abuse	41	47	7	34
Hunting Violations	16	32	28	51
Waste Disposal/Dumping	47	49	6	27
Untreated Mental Illness	75	28	4	22
Chronic Underemployment	54	35	15	25
Youth Suicide	67	33	6	22
Property Disputes	71	38	4	15
Traffic Safety Violations not involving drug/alcohol use	43	57	11	17
Impaired Driving	76	37	0	16

Q7- Regarding issues facing the Akwesasne community, please respond with whether you think each is a big problem, minor problem, not a problem, or you don't know.





PERCEPTION OF CRIMINAL JUSTICE CHALLENGES – FROM A VICTIM/ SURVIVOR'S PERSPECTIVE

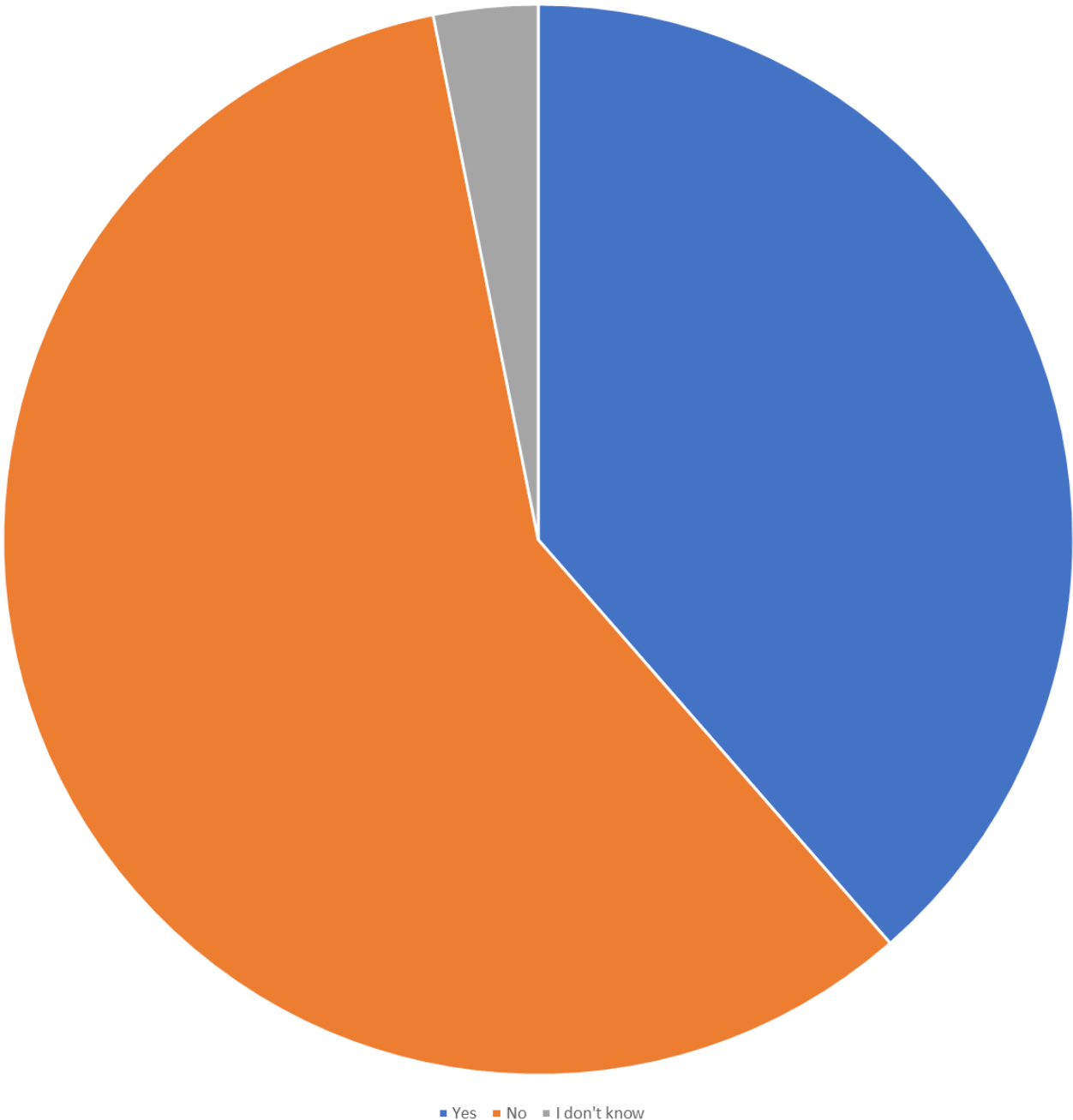
Section 4



Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Yes	49	38.6%
No	74	58.3%
I don't know	4	3.1%
Total Responses	127	100.0%

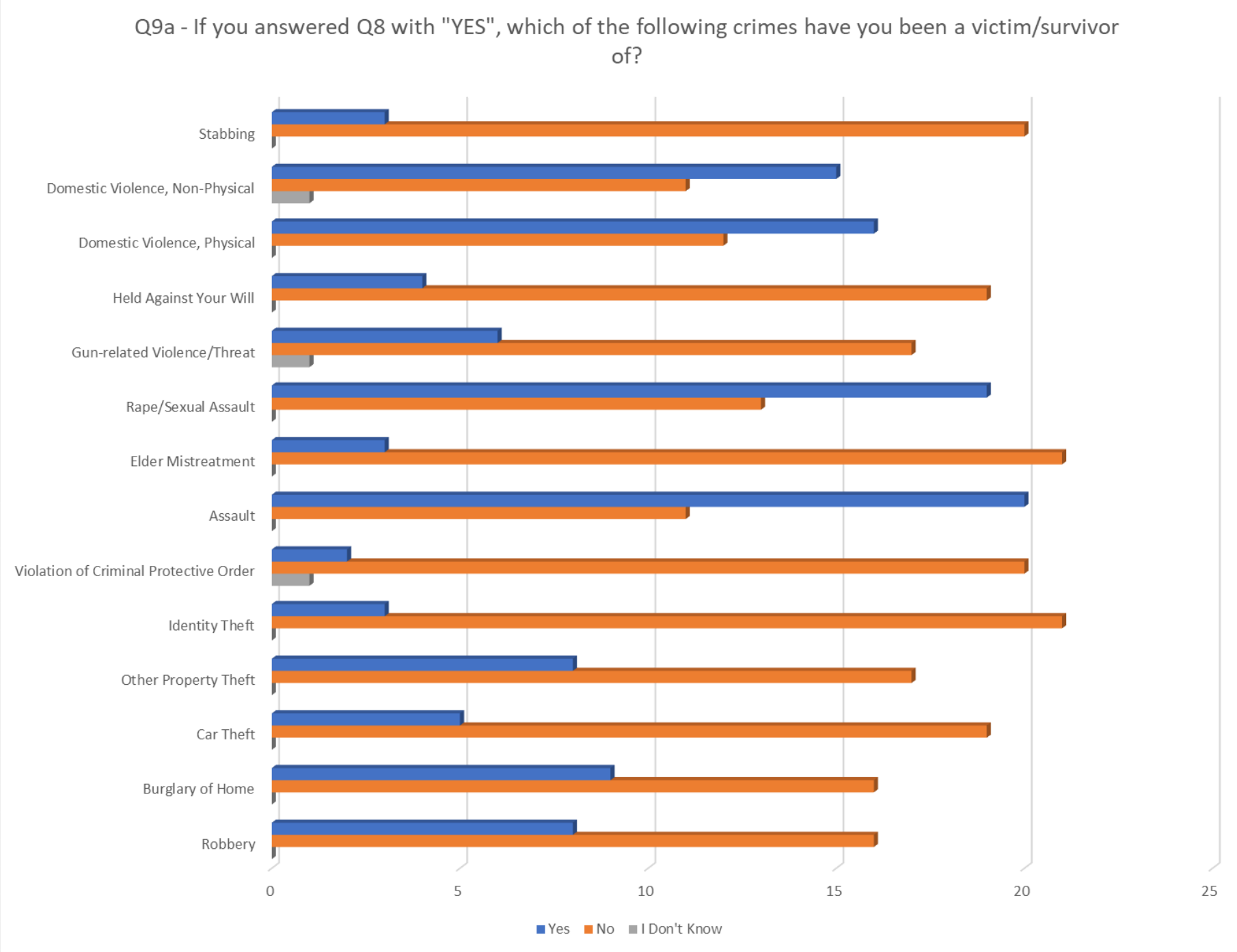
Q8 - Have you been a victim/survivor of any of the following crimes in Akwesasne?





Section 4 – Perception of Criminal Justice Challenges – From a Victim/Survivor’s Perspective

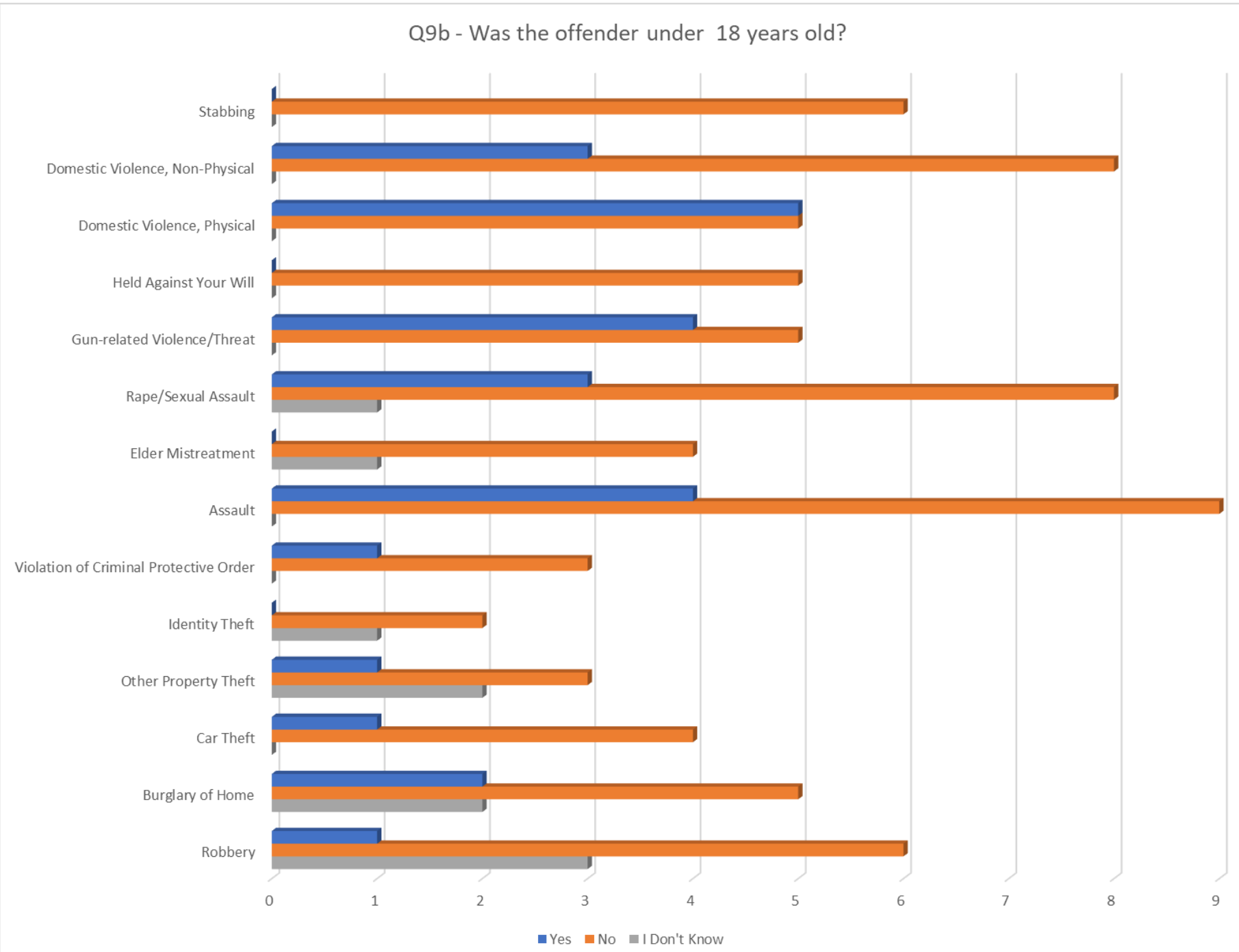
Crime	Yes	No	I Don't Know
Robbery	8	16	0
Burglary of Home	9	16	0
Car Theft	5	19	0
Other Property Theft	8	17	0
Identity Theft	3	21	0
Violation of Criminal Protective Order	2	20	1
Assault	20	11	0
Elder Mistreatment	3	21	0
Rape/Sexual Assault	19	13	0
Gun-related Violence/Threat	6	17	1
Held Against Your Will	4	19	0
Domestic Violence, Physical	16	12	0
Domestic Violence, Non-Physical	15	11	1
Stabbing	3	20	0





Section 4 – Perception of Criminal Justice Challenges – From a Victim/Survivor’s Perspective

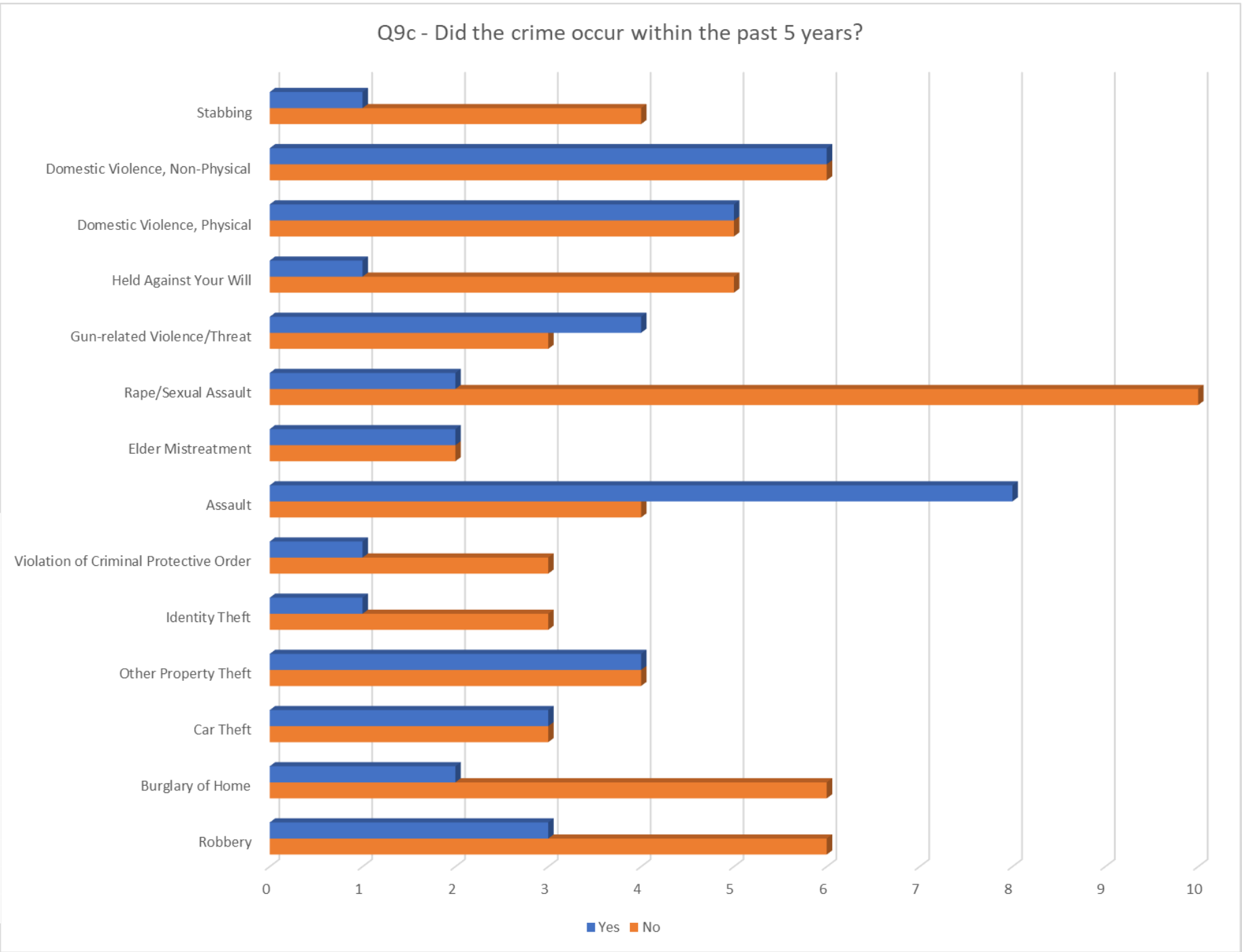
Under 18?	Yes	No	I Don't Know
Robbery	1	6	3
Burglary of Home	2	5	2
Car Theft	1	4	0
Other Property Theft	1	3	2
Identity Theft	0	2	1
Violation of Criminal Protective Order	1	3	0
Assault	4	9	0
Elder Mistreatment	0	4	1
Rape/Sexual Assault	3	8	1
Gun-related Violence/Threat	4	5	0
Held Against Your Will	0	5	0
Domestic Violence, Physical	5	5	0
Domestic Violence, Non-Physical	3	8	0
Stabbing	0	6	0





Section 4 – Perception of Criminal Justice Challenges – From a Victim/Survivor’s Perspective

Last 5 Years?	Yes	No
Robbery	3	6
Burglary of Home	2	6
Car Theft	3	3
Other Property Theft	4	4
Identity Theft	1	3
Violation of Criminal Protective Order	1	3
Assault	8	4
Elder Mistreatment	2	2
Rape/Sexual Assault	2	10
Gun-related Violence/Threat	4	3
Held Against Your Will	1	5
Domestic Violence, Physical	5	5
Domestic Violence, Non-Physical	6	6
Stabbing	1	4

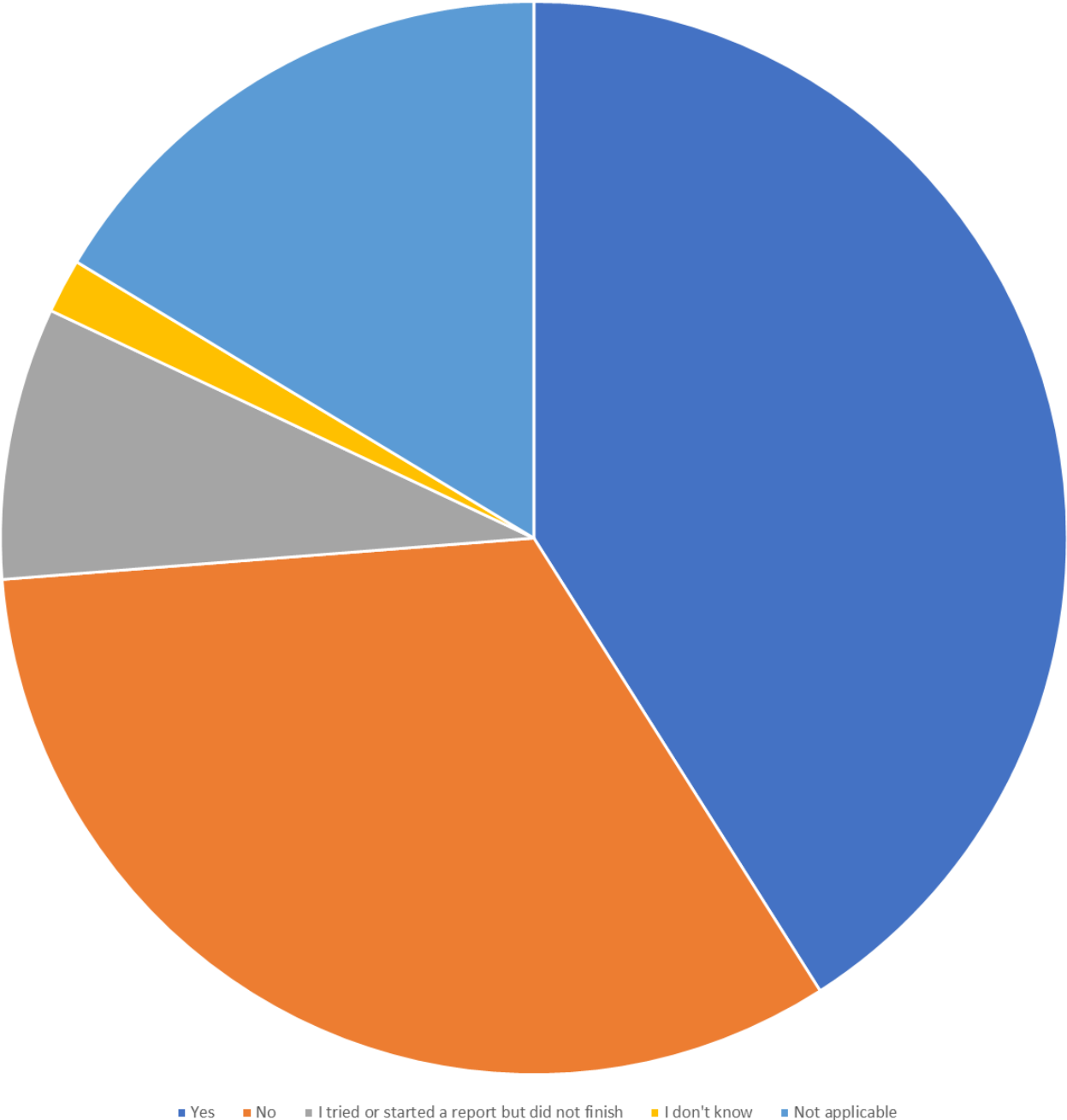




Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Yes	25	41.0%
No	20	32.8%
I tried or started a report but did not finish	5	8.2%
I don't know	1	1.6%
Not applicable	10	16.4%
Total Responses	61	100.0%

Q10 - If you were a victim/survivor of a crime in Q9, did you report the crime?

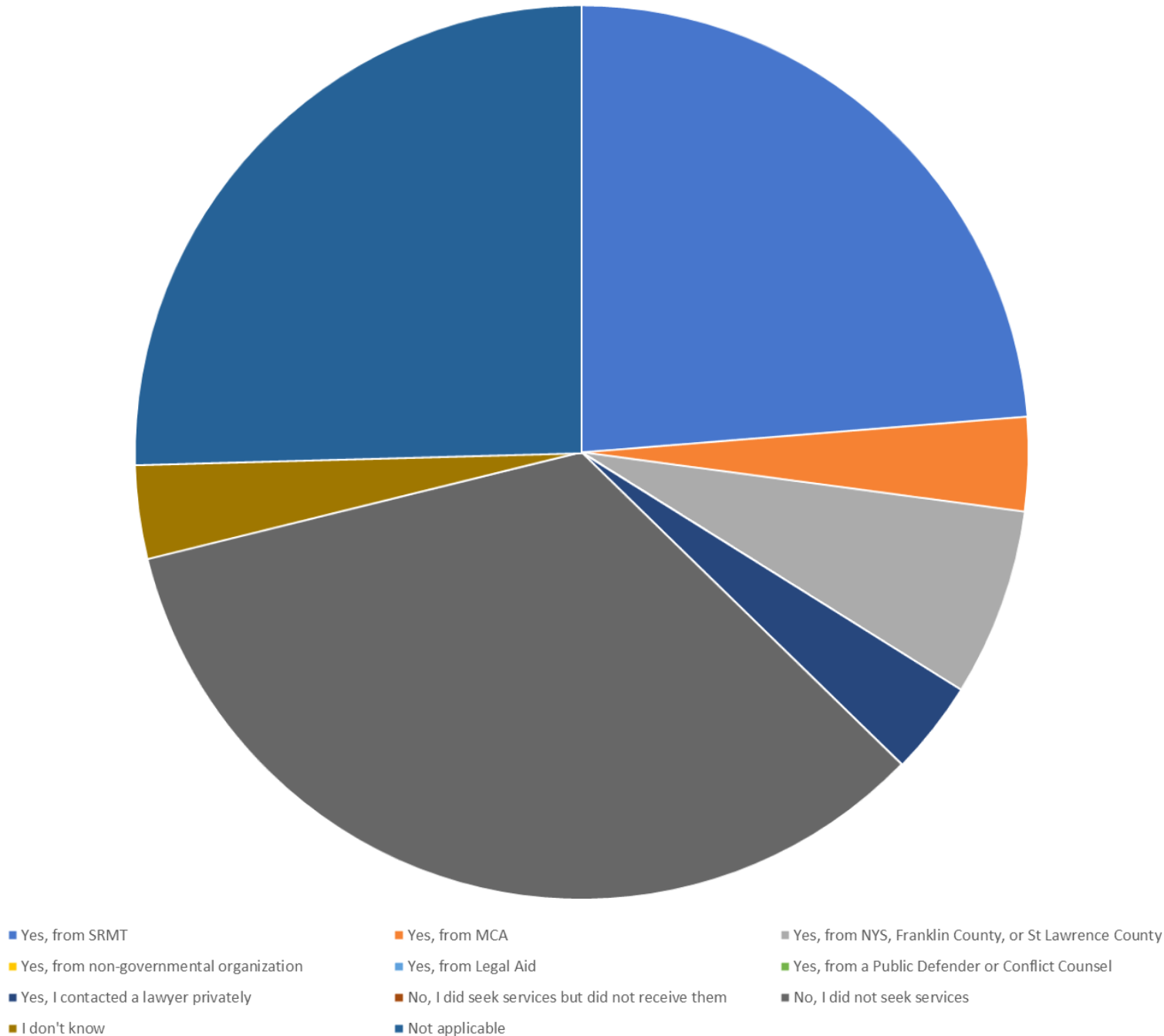




Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Yes, from SRMT	14	23.7%
Yes, from MCA	2	3.4%
Yes, from NYS, Franklin County, or St Lawrence County	4	6.8%
Yes, from non-governmental organization	0	0.0%
Yes, from Legal Aid	0	0.0%
Yes, from a Public Defender or Conflict Counsel	0	0.0%
Yes, I contacted a lawyer privately	2	3.4%
No, I did seek services but did not receive them	0	0.0%
No, I did not seek services	20	33.9%
I don't know	2	3.4%
Not applicable	15	25.4%
Total Responses	59	100.0%

Q11 - If you were a victim/survivor of a crime mentioned in Q9, did you seek out or receive any services?





Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Q11 – If you did not receive services, why not?

5 comments – ***Long time ago, no one believed girls then; I did not know then what consent meant; I was not taken seriously, it was “our fault;” a professional back then said she could talk to her sisters; fear of perpetrator as a child and still see that person in the community as an adult***

2 comments – ***Did not want to bring attention to the crime or themselves***

2 comments - ***Not aware of services at the time***

2 comments – ***No law enforcement feedback after complaint made***

1 comment - ***Police response too lenient, multiple warnings were not helpful [property crime]***

1 comment – ***Long process of investigation [property crime]***

1 comment - ***My family wasn’t supportive for me getting services, I started to drink***

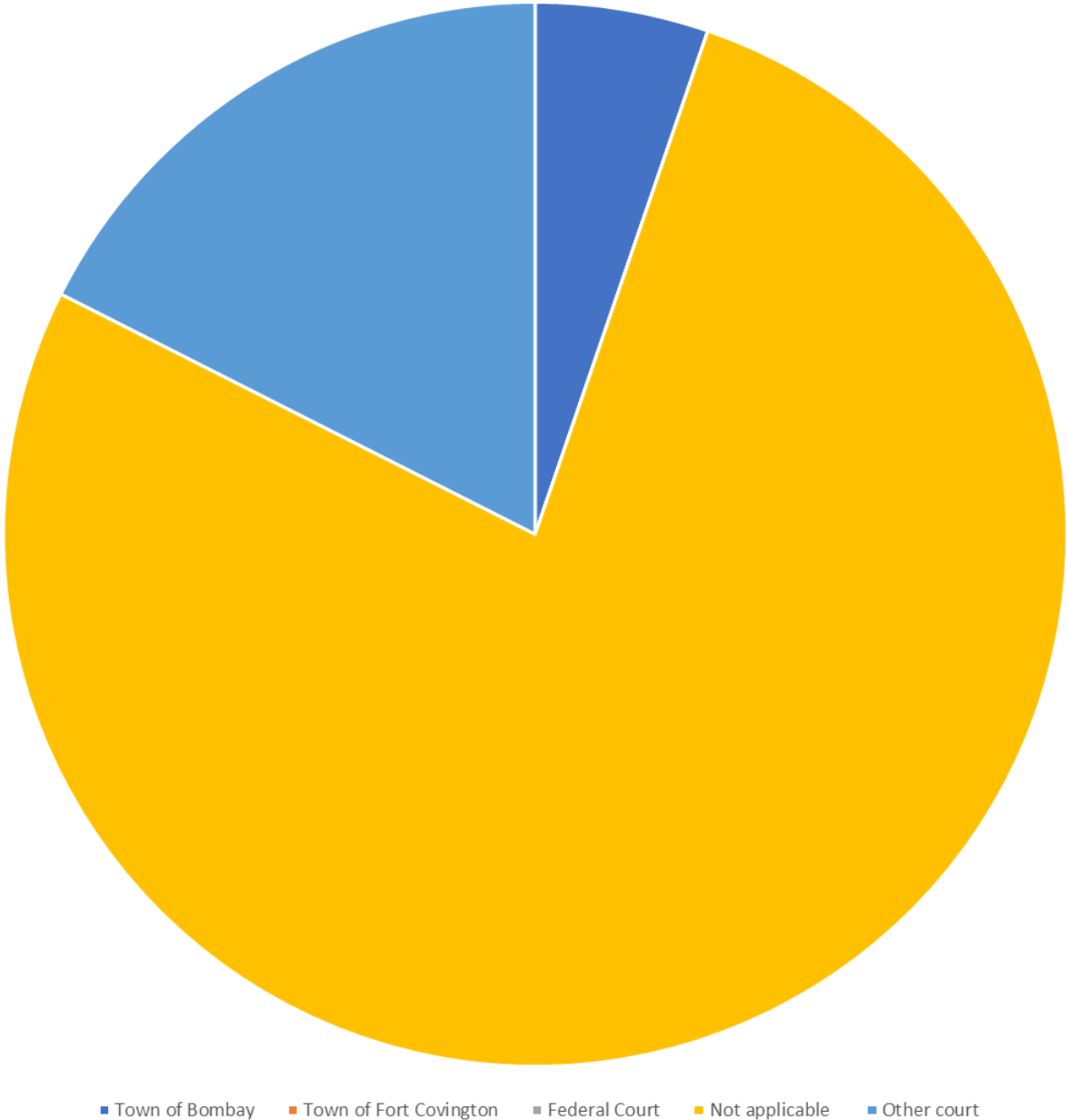
1 comment – ***Acknowledged there was insufficient evidence for the property crime***



Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Town of Bombay	3	5.3%
Town of Fort Covington	0	0.0%
Federal Court	0	0.0%
Not applicable	44	77.2%
Other court	10	17.5%
Total Responses	57	100.0%

Q12 - If you were a victim/survivor of a crime that occurred entirely or partly on the Saint Regis Mohawk Reservation in New York and charges were filed, in which criminal court was it handled?





Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

Statement	Yes	No	N/A
I was treated consistent with tribal culture and values.	10	7	18
I needed and utilized resources from the NY Victim Compensation Fund to cover medical or other expenses.	1	7	35
The travel to court was a burden.	2	3	38
The court resolved the case in a manner that I approved.	4	7	32
I needed a protective order and was able to obtain it without any issues.	9	5	31
I received the services I needed.	6	11	27
I needed but did not receive legal services for related civil issues, such as divorce, child custody, elder mistreatment, or misappropriation of my money.	4	4	38

Q13 - If you answered Q12 affirmatively, please share your view on that experience. Please indicate all the following that apply:

I needed but did not receive legal services for related civil issues, such as divorce, child custody, elder mistreatment, or misappropriation of my money.

I received the services I needed.

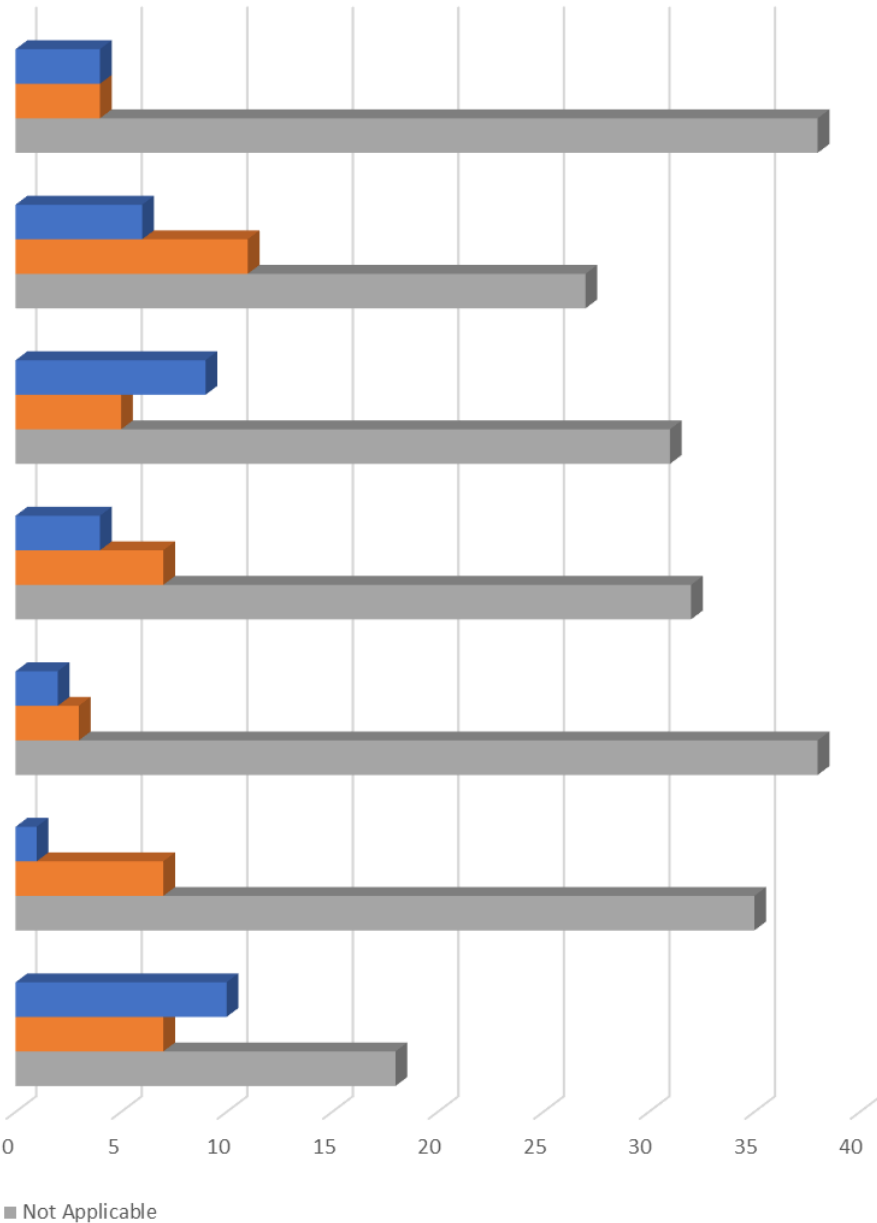
I needed a protective order and was able to obtain it without any issues.

The court resolved the case in a manner that I approved.

The travel to court was a burden.

I needed and utilized resources from the NY Victim Compensation Fund to cover medical or other expenses.

I was treated consistent with tribal culture and values.





Q13 - Comments

Section 4 –
Perception of Criminal Justice
Challenges – From a
Victim/Survivor’s Perspective

1 comment – ***Unable to file an Order of Protection against a family member threatening me***

1 comment – ***Domestic violence has complicated dynamics and I had to hire and pay for a lawyer that understood it and handle my case in all courts: child support, family court, and civil court***

1 comment – ***Perceived law enforcement bias and conflict of interest due to everyone being related, and bias against a non-tribal member***

1 comment - ***MCA and the Tribe couldn’t work together on my case because of the border [not sure if civil or criminal from the answer]***



PERCEPTION OF CRIMINAL JUSTICE CHALLENGES – FROM EXPERIENCE WITHIN THE CRIMINAL JUSTICE SYSTEMS

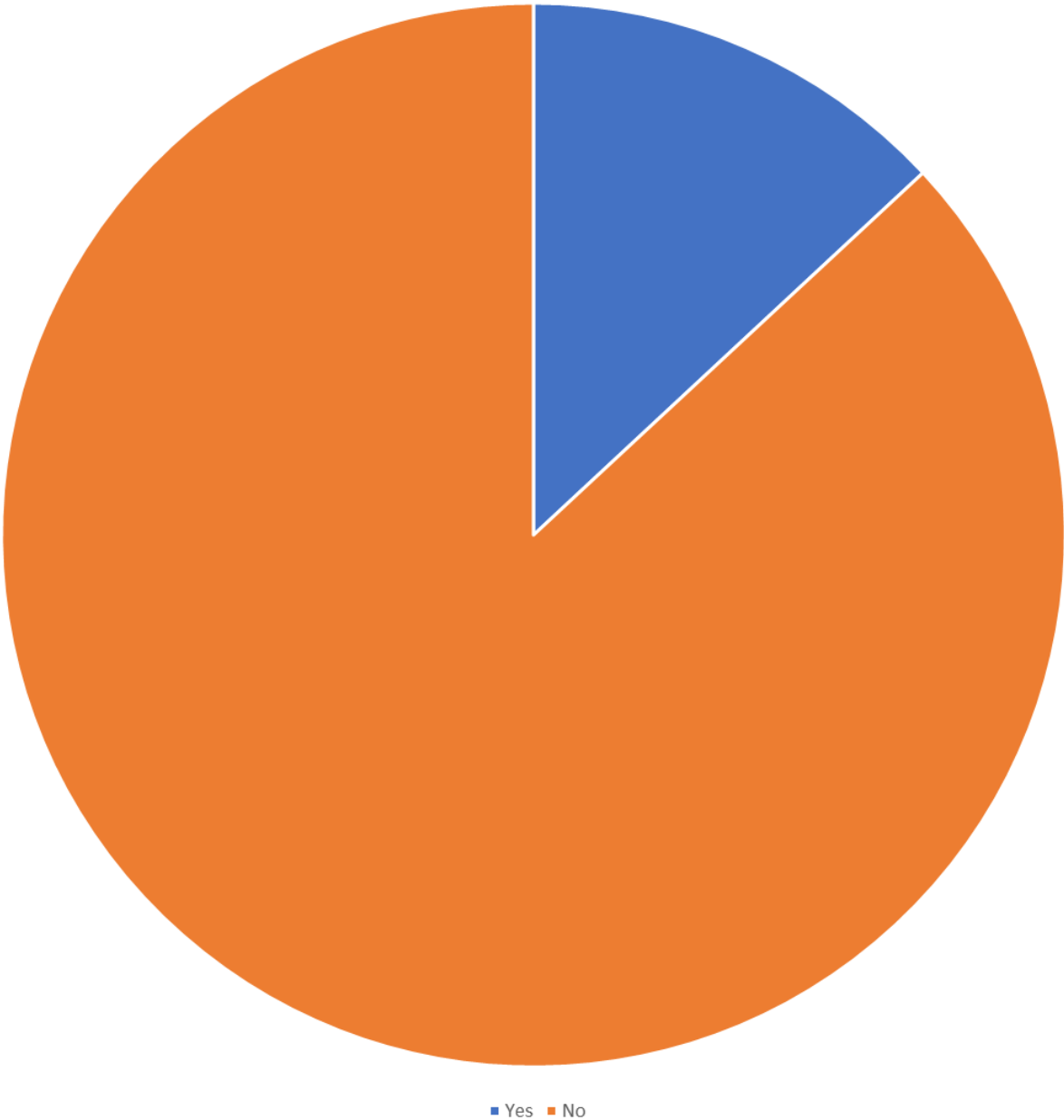
Section 5



Section 5 –
Perception of Criminal Justice
Challenges – From Experience
within the Criminal Justice
Systems

Yes	17	13.1%
No	113	86.9%
Total Responses	130	100.0%

Q14 - Have you ever been arrested for a crime that occurred entirely or partly within the Saint Regis Mohawk Reservation?

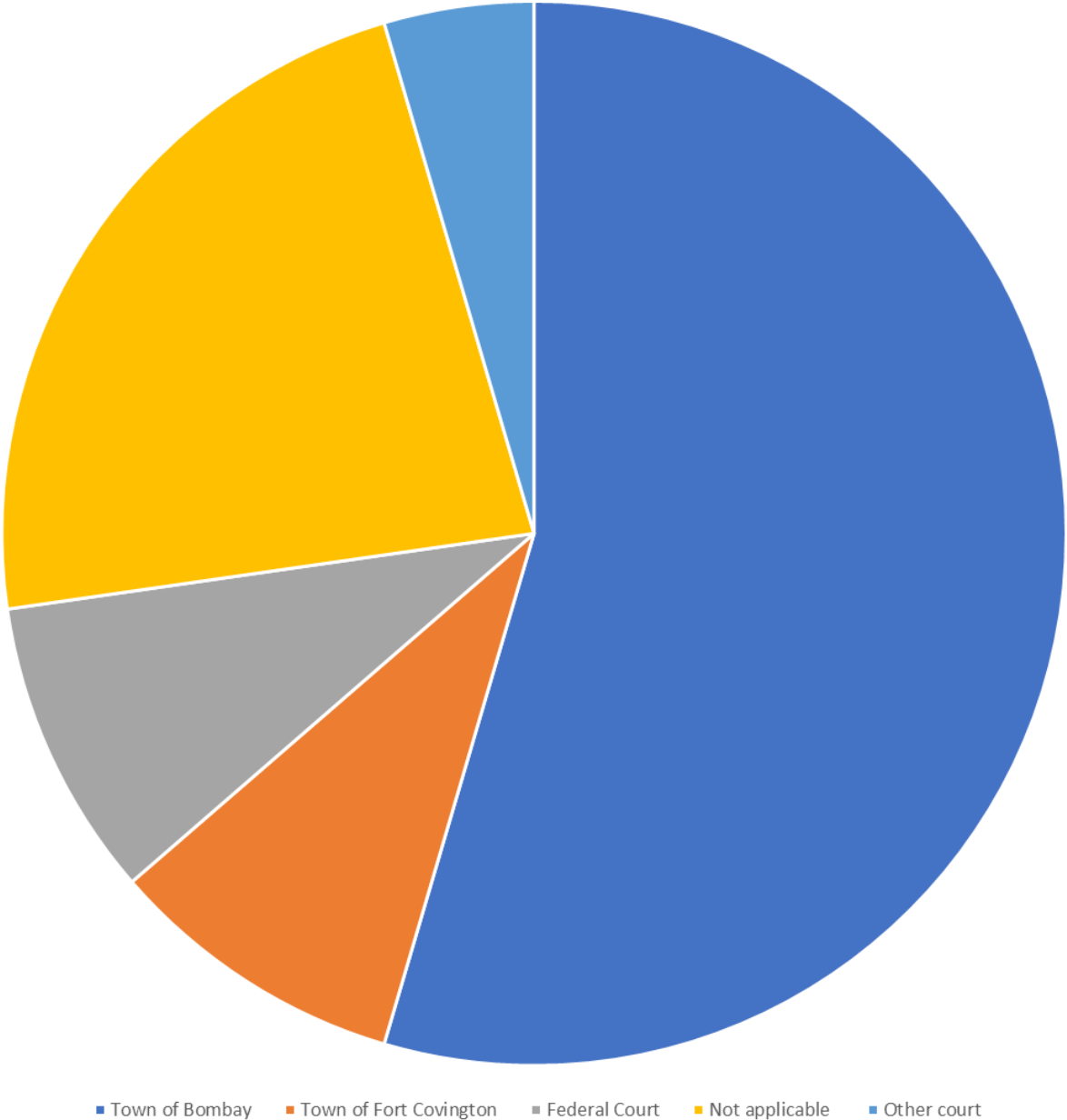




Section 5 –
Perception of Criminal Justice
Challenges – From Experience
within the Criminal Justice
Systems

Town of Bombay	12	54.5%
Town of Fort Covington	2	9.1%
Federal Court	2	9.1%
Not applicable	5	22.7%
Other court	1	4.5%
Total Responses	22	100.0%

Q15 - If you were arrested for a crime that occurred partially or entirely within the territory and charges were filed, in which criminal court was it heard?

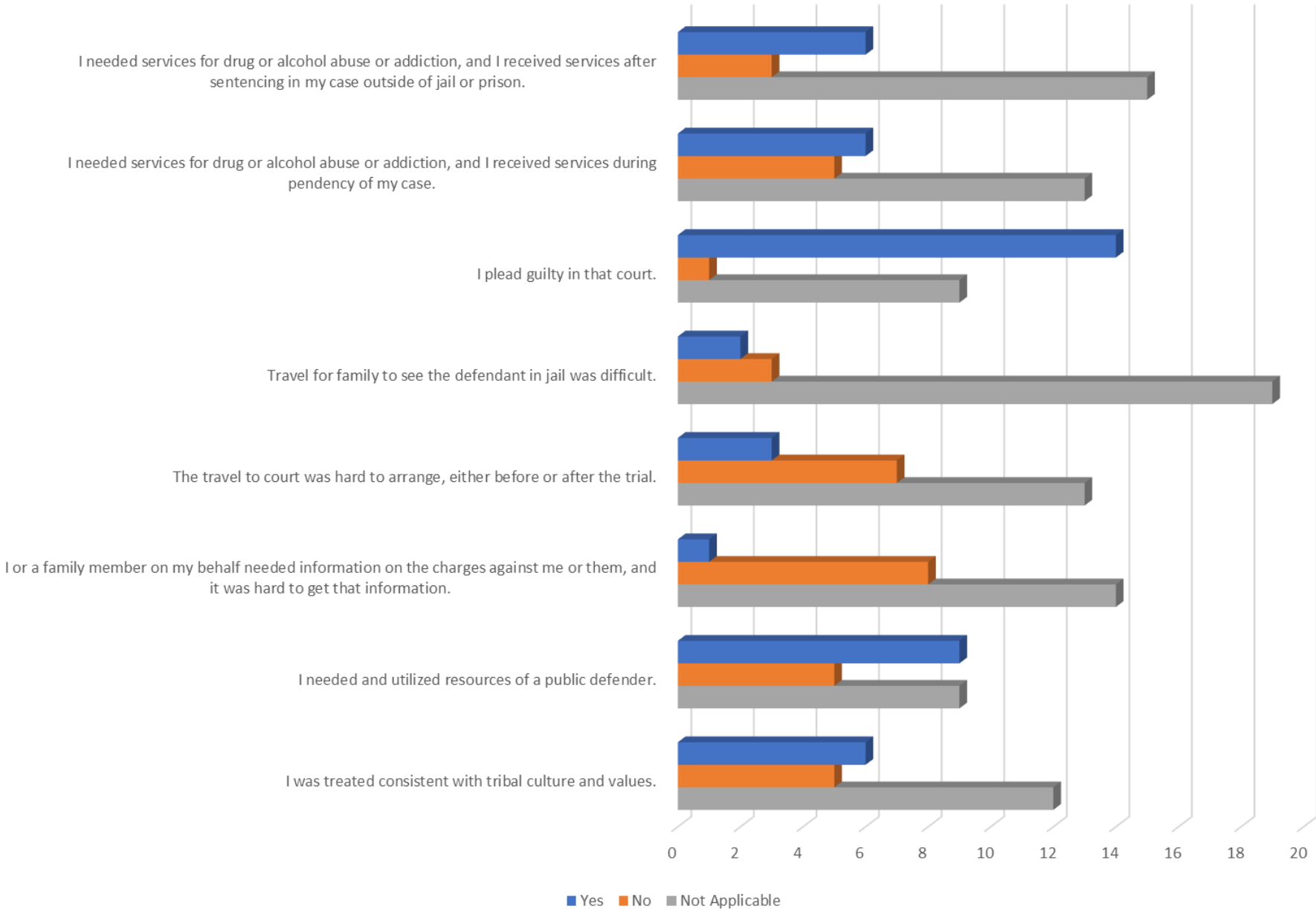




Section 5 – Perception of Criminal Justice Challenges – From Experience within the Criminal Justice Systems

Statement	Yes	No	N/A
I was treated consistent with tribal culture and values.	6	5	12
I needed and utilized resources of a public defender.	9	5	9
I or a family member on my behalf needed information on the charges against me or them, and it was hard to get that information.	1	8	14
The travel to court was hard to arrange, either before or after the trial.	3	7	13
Travel for family to see the defendant in jail was difficult.	2	3	19
I plead guilty in that court.	14	1	9
I needed services for drug or alcohol abuse or addiction, and I received services during pendency of my case.	6	5	13
I needed services for drug or alcohol abuse or addiction, and I received services after sentencing in my case outside of jail or prison.	6	3	15

Q16 - If you answered Q14 and Q15 affirmatively, please share your view on that experience. Please indicate all of the following that apply:





FORMER
INCARCERATION
AND REENTRY/
REINTEGRATION OF
SELF, FAMILY MEMBER,
OR CLOSE PERSONAL
FRIEND BACK TO THE
COMMUNITY

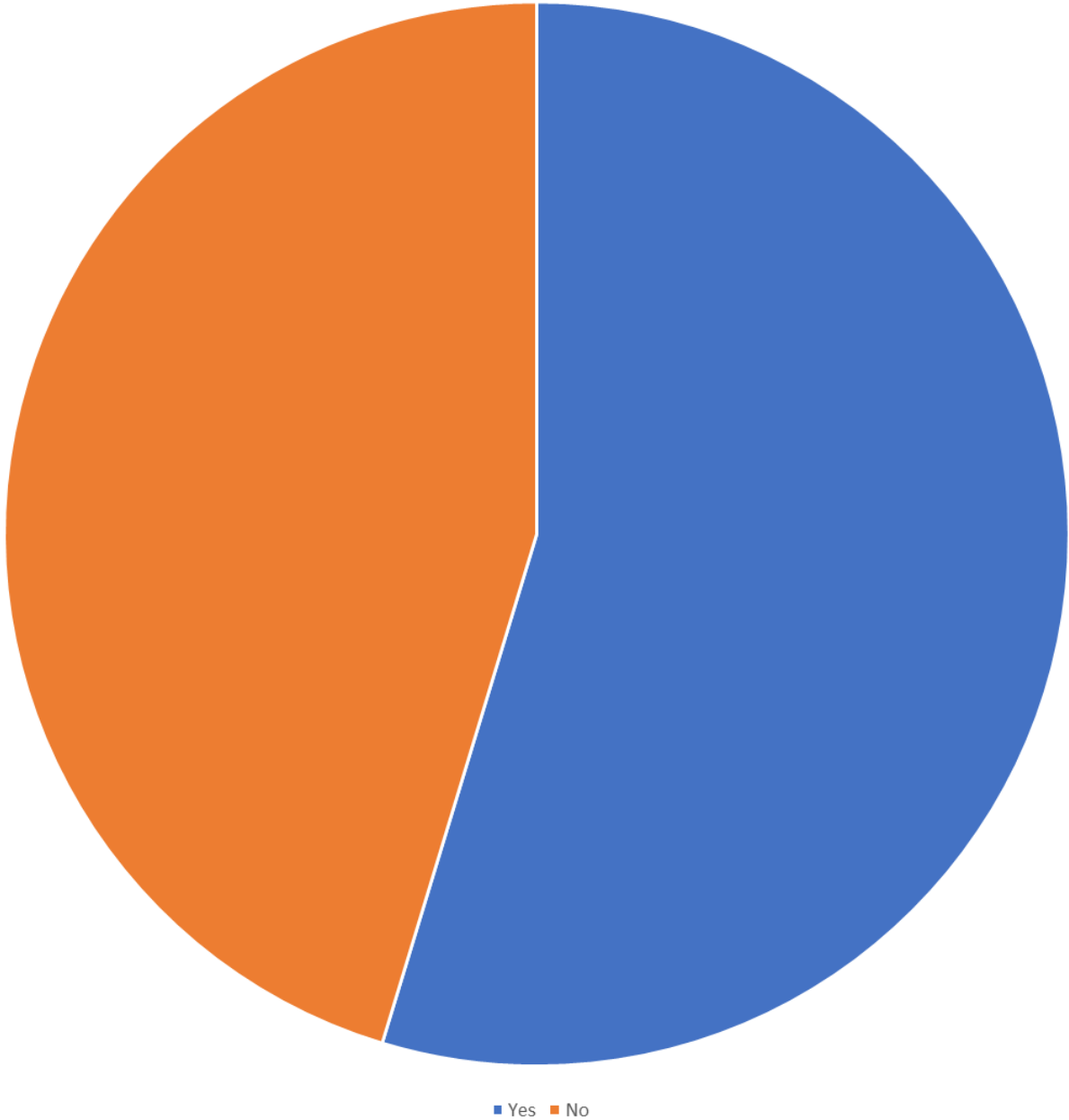
Section 6



Section 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend Back to the Community

Yes	70	54.7%
No	58	45.3%
Total Responses	128	100.0%

Q17 - Have you, a family member, or close personal friend ever been in jail or prison for conviction of a crime anywhere?

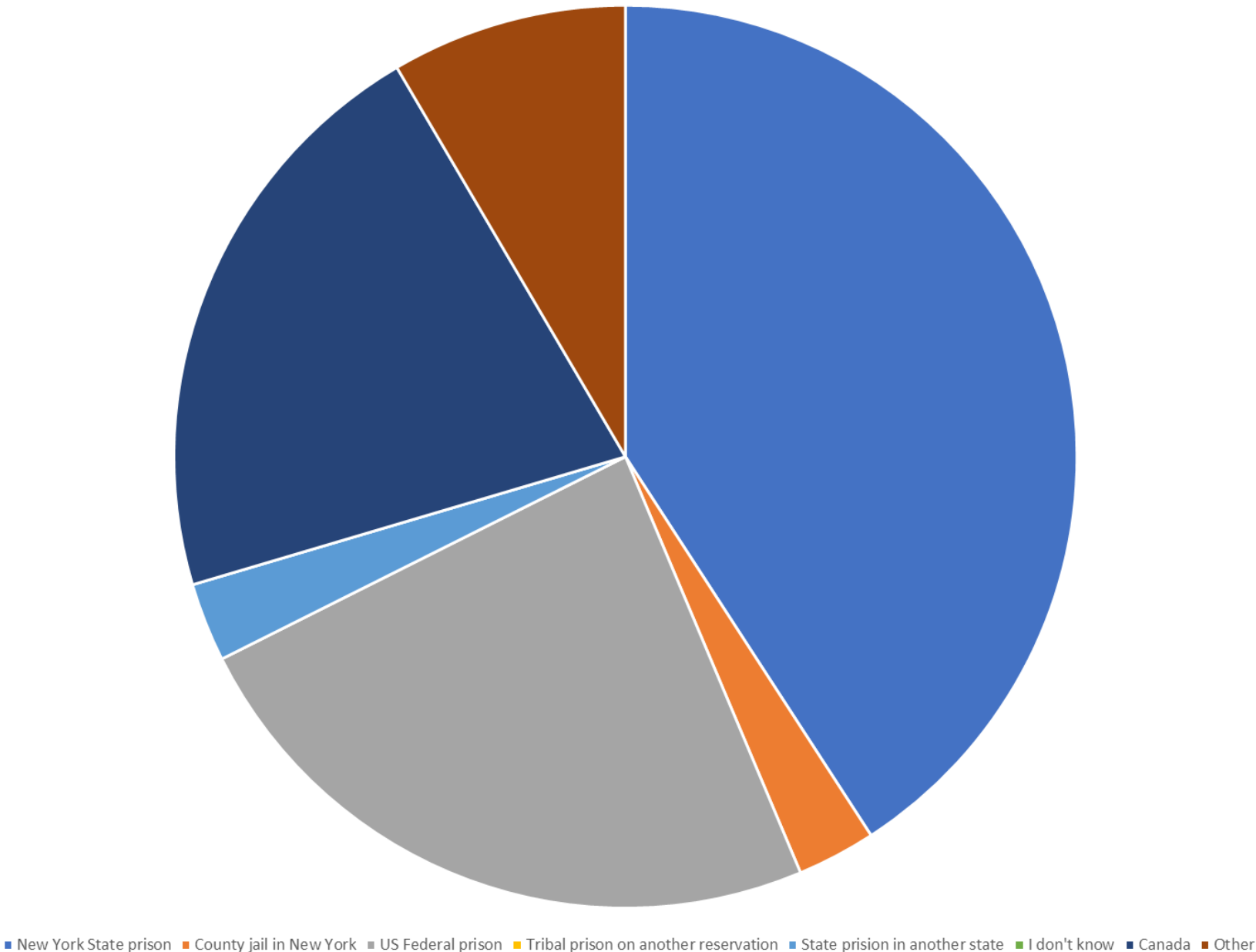




Section 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend Back to the Community

New York State prison	29	40.8%
County jail in New York	2	2.8%
US Federal prison	17	23.9%
Tribal prison on another reservation	0	0.0%
State prison in another state	2	2.8%
I don't know	0	0.0%
Canada	15	21.1%
Other	6	8.5%
Total Responses	71	100.0%

Q18 - If "YES", in what prison system(s) were you, your family member, or close personal friend incarcerated?

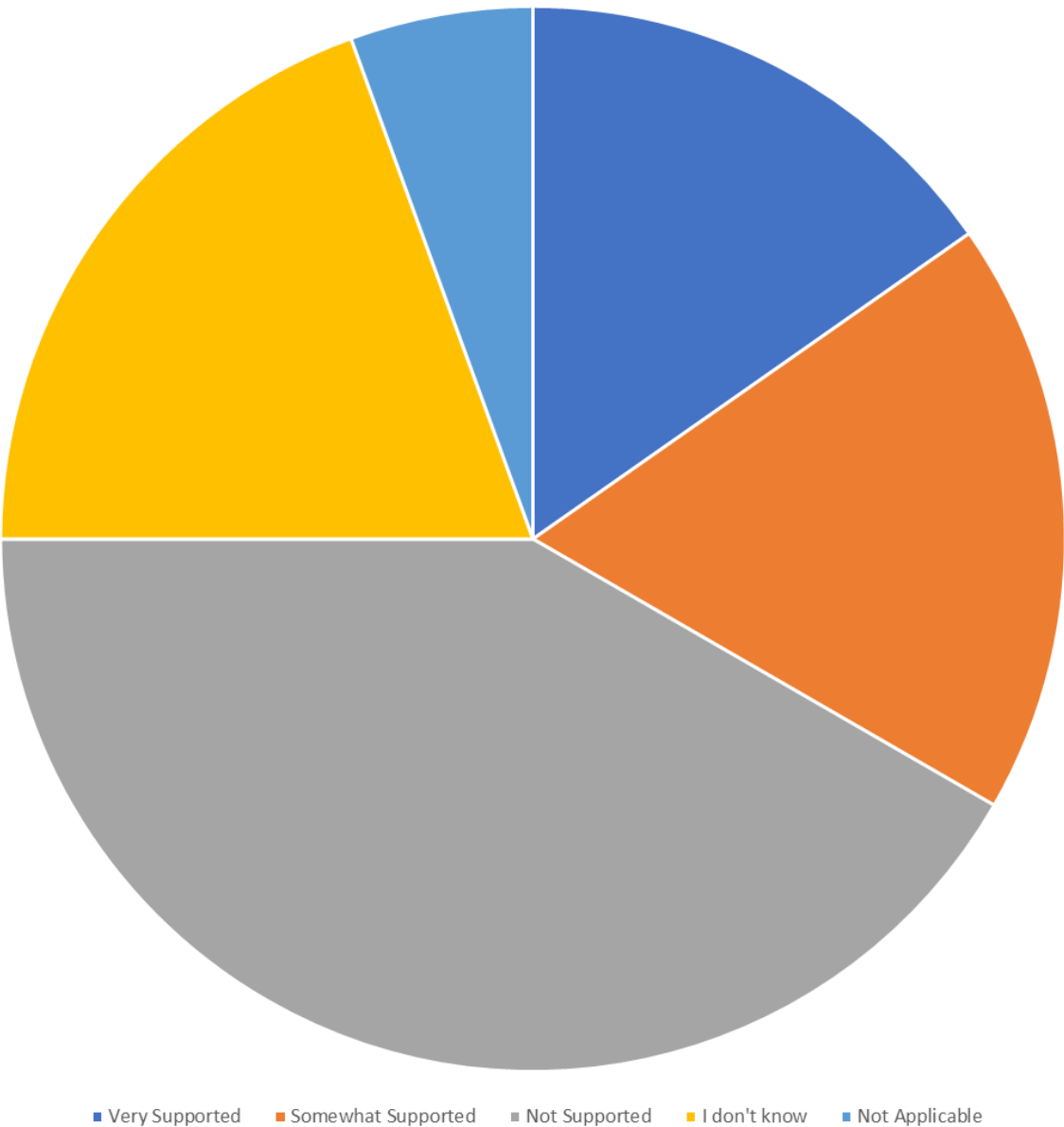




Section 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend Back to the Community

Very Supported	11	15.3%
Somewhat Supported	13	18.1%
Not Supported	30	41.7%
I don't know	14	19.4%
Not Applicable	4	5.6%
Total Responses	72	100.0%

Q19 - If you, your family member, or close personal friend has been in jail or prison, how supported did you feel or did you observe that family member or close personal friend while incarcerated for transition, reentry, or reintegration into Akwesasne?

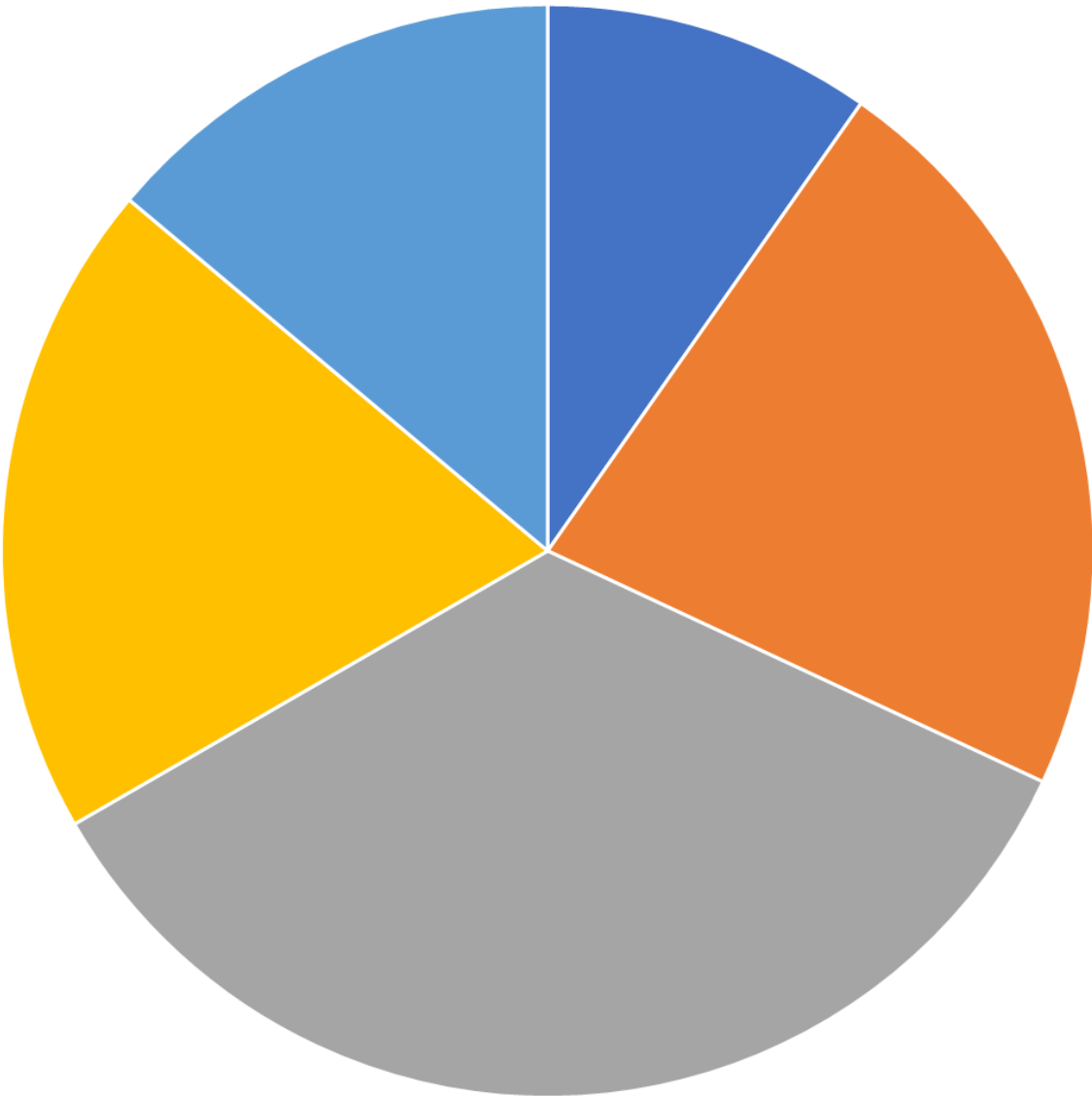




Section 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend Back to the Community

Very Supported	7	9.7%
Somewhat Supported	16	22.2%
Not Supported	25	34.7%
I don't know	14	19.4%
Not Applicable	10	13.9%
Total Responses	72	100.0%

Q20 - If you, your family member, or close personal friend has been in jail or prison, how supported did you feel you were, or did you observe that other person was after release and while reintegrating to the Akwesasne Community?



■ Very Supported ■ Somewhat Supported ■ Not Supported ■ I don't know ■ Not Applicable



Qs 19 and 20 Comments

12 comments indicated that services and support for a reintegrating person were needed but not received:

- *Support for person released from jail or prison is/was only received from family or friend*
- *Our leadership and the judicial system should provide some sort of support for reintegrating people (jobs, housing for short periods, education or job training)*
- *Many who are released from incarceration are not mentally or emotionally ready to be thrown back into society, leading to return to drugs and alcohol use*
- *The person did not receive needed counseling even when his mother died*
- *Incarcerated people don't know how to function in a society that is full of technology which can lead to extra stress, anxiety, depression and even suicide. "Our everyday community does not get the help and treatment that they need let alone individuals returning from jail/prison."*
- *Incarcerated people have people around them at all times (in most cases). When living in the real world, you are on your own. If a person is dependent on another inmate to confide in or bond with, that relationship won't be available outside jail/prison.*
- *"They died"*
- *No counseling took place. The person thought of suicide due to no support.*
- *It is hard to find a job and easy for them to fall back into what got them in trouble (MJ). Improvements are coming- but unfortunately this has caused a permanent criminal record.*
- *Employment opportunities are not great - the Tribe can hire felons, for example housekeeping.*

2 comments related specifically to stigma and community perception

- *Community members are met with stigma regarding their pasts, no matter how long ago their prison/jail sentence was. That stigma stays with them and makes it hard, or near impossible, for them to obtain gainful employment or move forward positively in this community*
- *Law enforcement was not supportive even though the incarceration did not pertain to domestic abuse or murder or children abuse, simply warrants for acting stupid*

Section 6 – Former Incarceration and Reentry/Reintegration of Self, Family Member, or Close Personal Friend Back to the Community



Qs 19 and 20 – Comments (Continued)

2 comments reflected the reentering person's choices, positive and negative:

- *Services were offered afterwards, but the person didn't take advantage of it.*
- *The person received help from a SRMT department when out of prison*

2 comments acknowledged the link between reentry services and recidivism prevention

- *Services help prevent recidivism and keep the rest of the community safe from ex-convicts who really are not ready or prepared to return to society*
- *The 'System' failed, the person kept violating sobriety requirements, and ended up getting incarcerated over and over. When facing prison time, the person left NY.*

1 comment discussed the need for accountability, and impact of past criminality that led to jail/prison

- *The majority of people that end up serving a jail sentence are not "new" to the system. Their coming back to open arms with people feeling compassion is not the proper approach.*

Section 6 – Former
Incarceration and
Reentry/Reintegration of Self,
Family Member, or Close
Personal Friend Back to the
Community



FAMILIARITY WITH JUSTICE SYSTEMS IN AKWESASNE

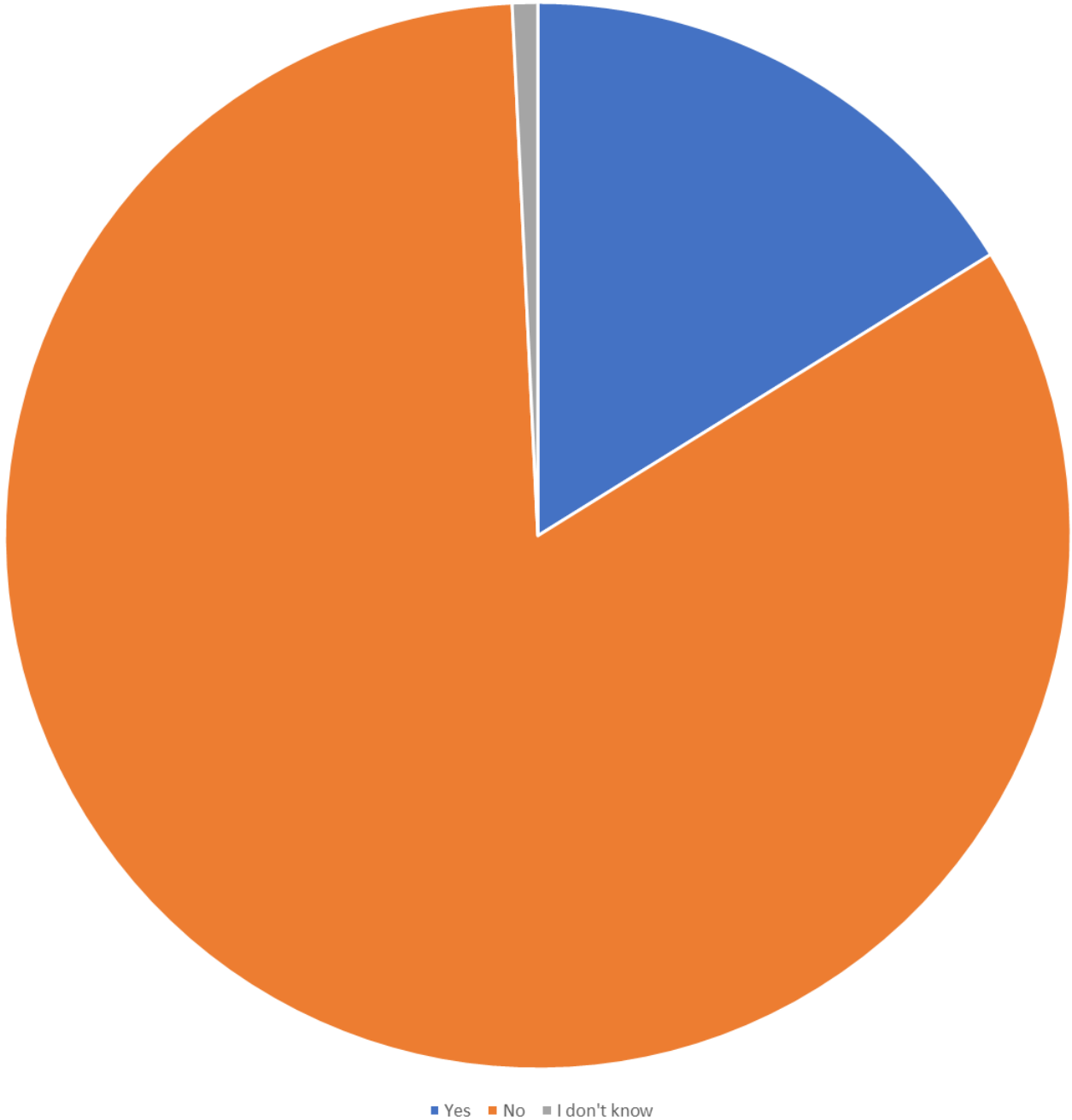
Section 7



Section 7 – Familiarity with Justice Systems in Akwesasne

Yes	21	16.2%
No	108	83.1%
I don't know	1	0.8%
Total Responses	130	100.0%

Q21 - Have you personally been involved in a case filed in the Saint Regis Mohawk Tribal Courts?

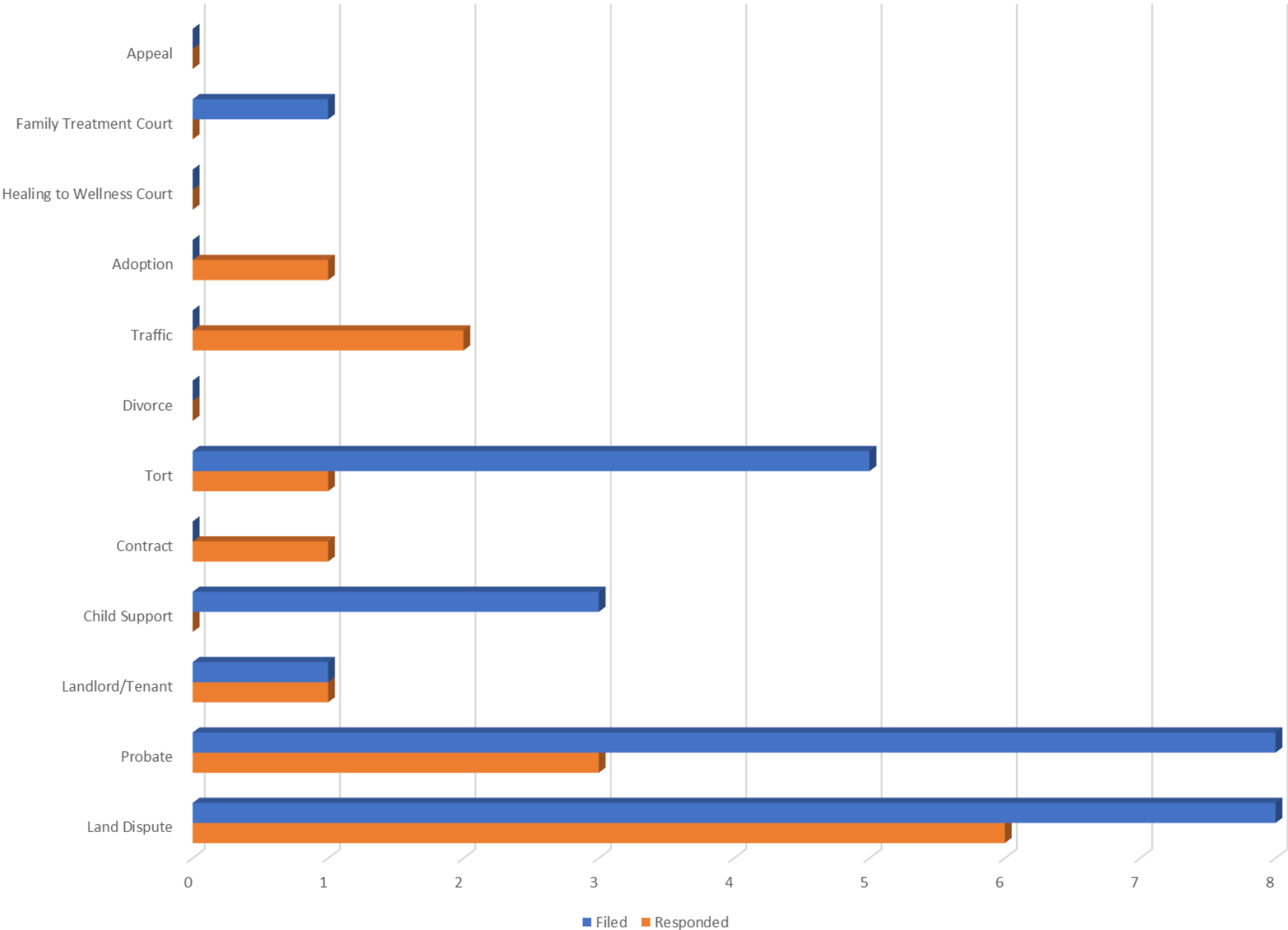




Section 7 – Familiarity with Justice Systems in Akwesasne

Case Type	Filed	Responded
Land Dispute	8	6
Probate	8	3
Landlord/Tenant	1	1
Child Support	3	0
Contract	0	1
Tort	5	1
Divorce	0	0
Traffic	0	2
Adoption	0	1
Healing to Wellness Court	0	0
Family Treatment Court	1	0
Appeal	0	0

Q22 - If you have been involved with a case filed in Tribal Courts, what type of case was it and what was your role in the case?

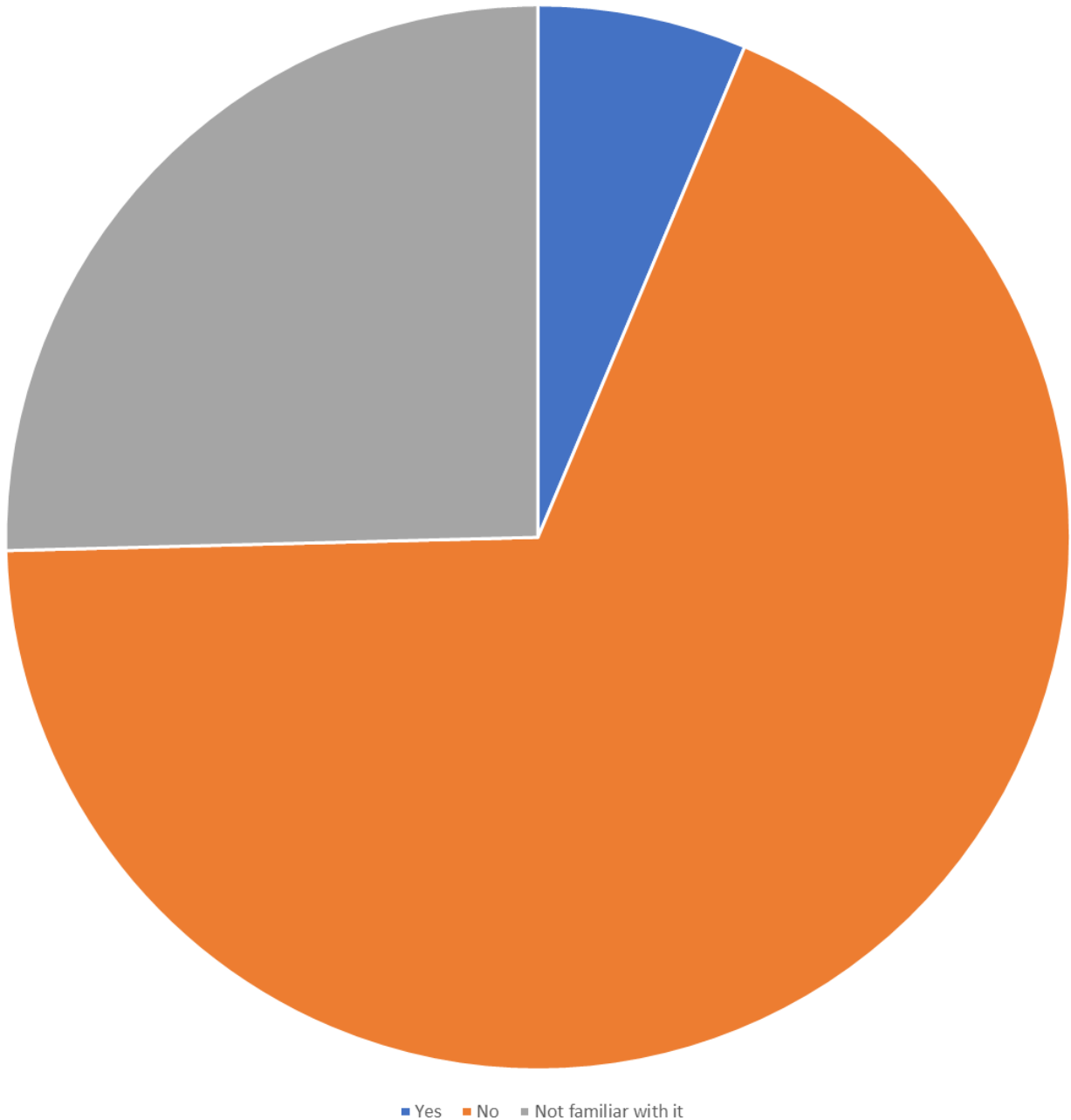




Section 7 – Familiarity with Justice Systems in Akwesasne

Yes	8	6.3%
No	86	68.3%
Not familiar with it	32	25.4%
Total Responses	126	100.0%

Q23 - Have you personally been involved in a case or matter heard in the *Community Neh Kanikonri:io* Council?

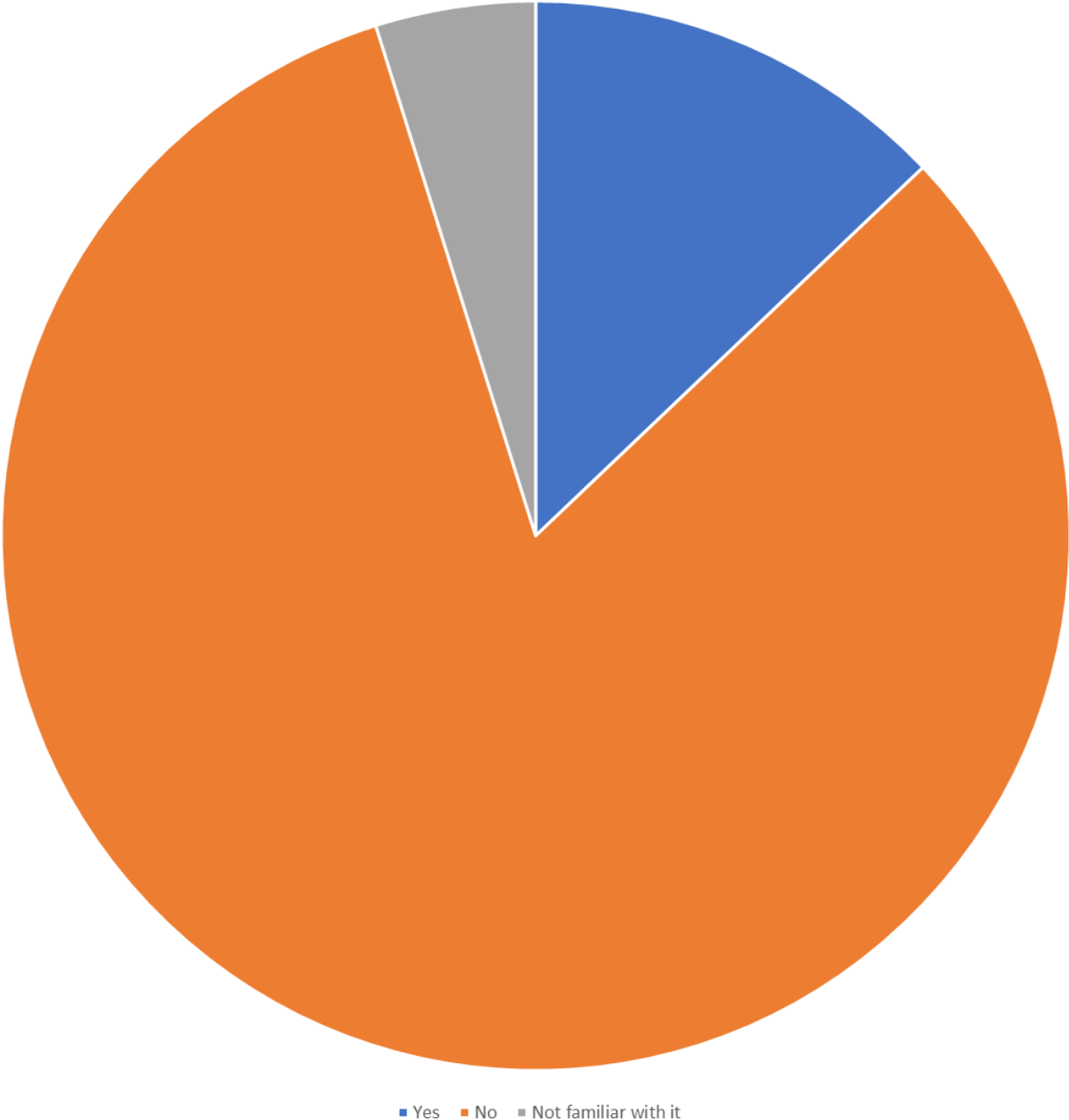




Section 7 – Familiarity with Justice Systems in Akwesasne

Yes	16	12.9%
No	102	82.3%
Not familiar with it	6	4.8%
Total Responses	124	100.0%

Q24 - Have you personally been involved in a case or matter heard in the Akwesasne Court of the Mohawk Council of Akwesasne?





THE TRIBAL COURTS AND THE STUDY ABOUT A POSSIBLE TRIBAL CRIMINAL JUSTICE SYSTEM

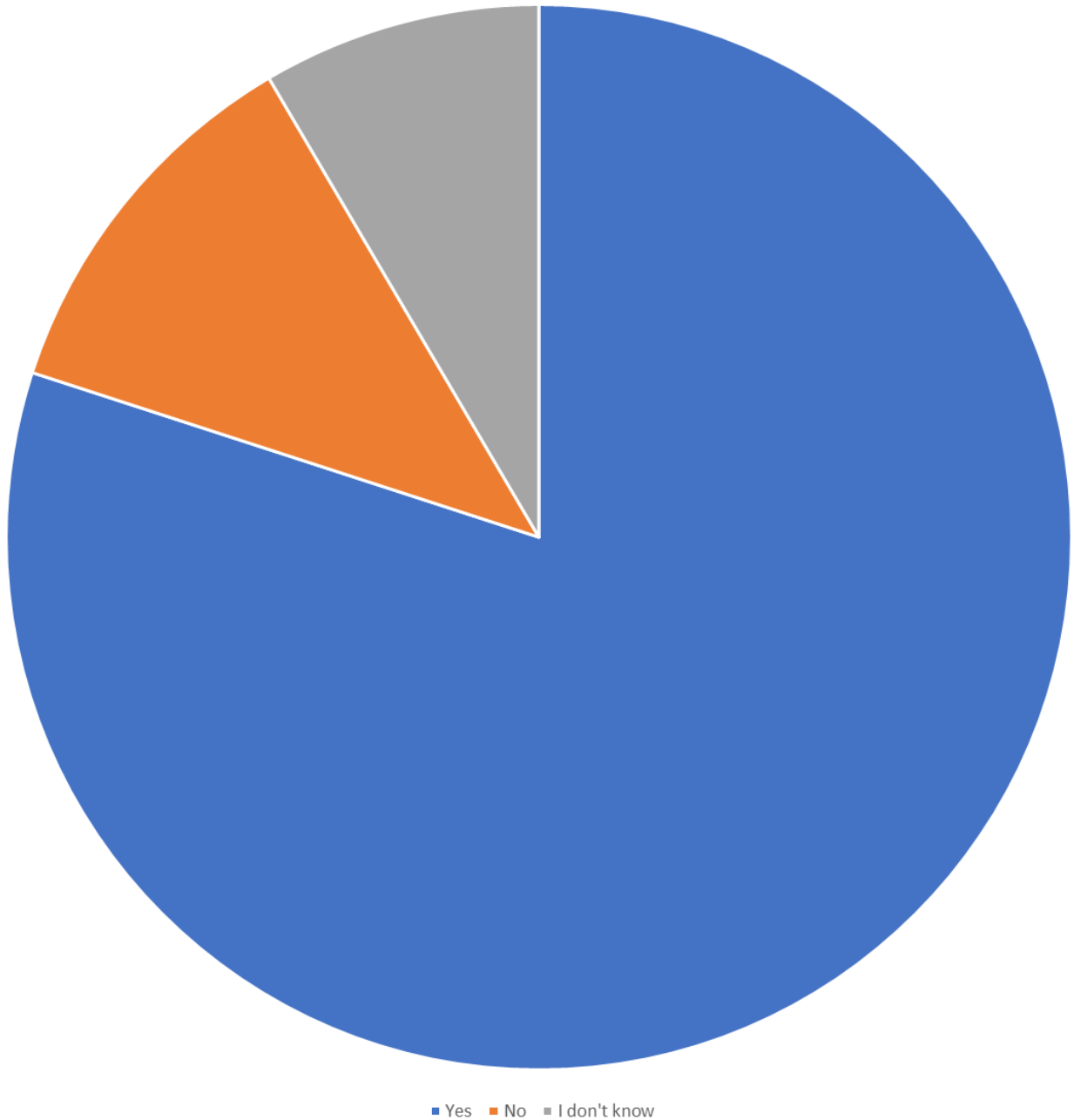
Section 8



Section 8 – The Tribal Courts
and the Study About a Possible
Tribal Criminal Justice System

Yes	104	80.0%
No	15	11.5%
I don't know	11	8.5%
Total Responses	130	100.0%

Q25 - Do you agree that restorative justice programs are important in a SRMT Tribal Courts justice system?





Section 8 – The Tribal Courts and the Study About a Possible Tribal Criminal Justice System

Q25 – Comments (Restorative Justice)

3 comments were positive toward Restorative Justice in the Tribal Courts

- *Any type of help with people's problems are a plus. Recovery is an important aspect. However, I do not see help for people with gambling addiction which is affecting marital relationships*
- *Everyone deserves a 2nd chance and the restorative justice programs do this. They are a lot of work for both the people who run them and for the convicted person.*
- *The western model of incarceration is not only expensive, but fairly ineffective even for non-native people. We throw people in prison and forget about them, barely providing them with basic needs while some corrections officers go out of their way to deny them basic human decency. Restorative justice allows for the development of relationships and actual rehabilitation of offenders, especially for relatively minor crimes...for a fraction of the price.*

4 comments discussed need for accountability within Restorative Justice and the Traditions

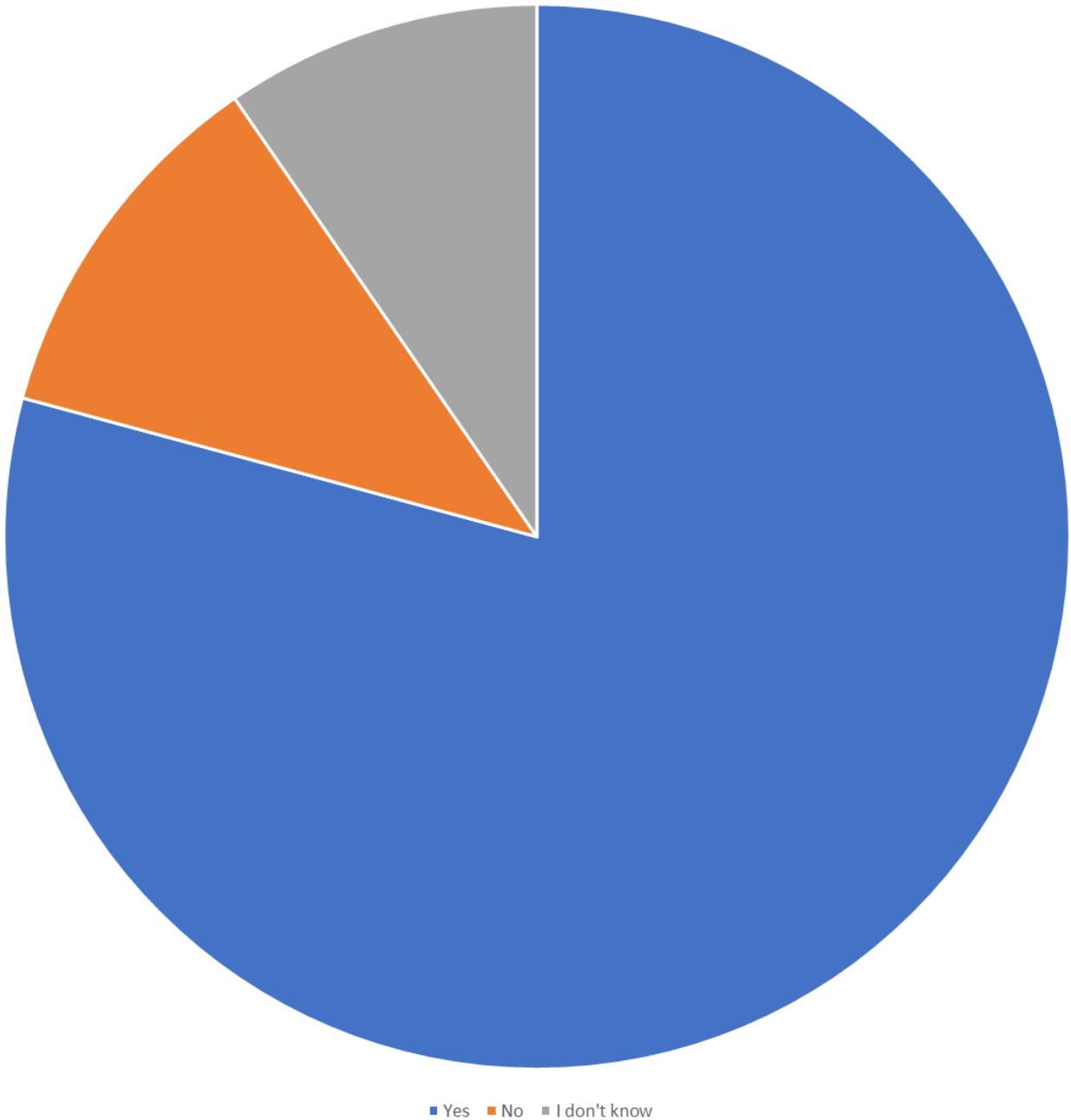
- *...There is a limit, however, if a person constantly is breaking the law and gets into trouble they should be afforded restorative Justice but need to have firm steps taken including incarceration where needed. Unfortunately we have many people in this community who consistently break the law and do not live by the rules, and the tradition of banishment should be used more frequently*
- *Yes, but murderers have hid out on the "Canadian side," and now, are being allowed to come back to Akwesasne*
- *Just because the white man says Marijuana is legal, and speeding up and down Akwesasne roads, does NOT make it our customs! It is still the same or even stronger THC and Mind-alternating [sic] drug.*
- *While I support the Tribal Courts including criminal court/restorative justice practices- as so many natives get stuck in the NYS system, sometimes inappropriately. I would hope though, that the tribal court system would hold people accountable, and hold them to whatever deemed appropriate...as opposed to our often lax way of doing things...such as failing to close unlicensed MJ dispensaries*



Section 8 – The Tribal Courts
and the Study About a Possible
Tribal Criminal Justice System

Yes	99	79.2%
No	14	11.2%
I don't know	12	9.6%
Total Responses	125	100.0%

Q26 - Do you support expansion of the SRMT Tribal Courts to include a criminal court and restorative justice practices to address criminal behavior by native persons on the Reservation?





Q26 – Comments (Tribal Criminal Court Based on R/J Principles)

9 comments were generally favorable to Tribal Courts criminal jurisdiction based on Restorative Justice Principles

- *This is needed, intervention is urgently needed in this community. Criminal behavior just doesn't happen by itself- many factors need to be addressed*
- *Community members would find more support locally.*
- *...If the crime happens here, it should be heard here.*
- *The SRMT needs to expand restorative justice resources to assist with individuals coming out of incarceration. This would include mental health and a social support system for successful integration.*
- *We as a community should go to our own courts because there is prejudice outside of the community as far as the law enforcement and judges.*
- *Tribal sovereignty*
- *I agree but also support banning individuals that bring harmful substances to our territory, and they should be removed from our territory.*
- *Crimes committed on the reservation and could be prosecuted here are better known by the people of this community. NYS courts don't know and are too passive on sentencing for harsh crimes committed on the reservation*
- *I support it but there should be a limit. Repeat offenders shouldn't continue to get third and fourth chances. At some point they just need to do some time.*

Section 8 – The Tribal Courts and the Study About a Possible Tribal Criminal Justice System



Q26 – Comments (Tribal Criminal Court Based on R/J Principles) (Cont' d)

Section 8 – The Tribal Courts and the Study About a Possible Tribal Criminal Justice System

5 comments expressing concern with the Tribe's exercise of criminal jurisdiction, systems' readiness, and potential for bias in the community due to family ties and size of the community

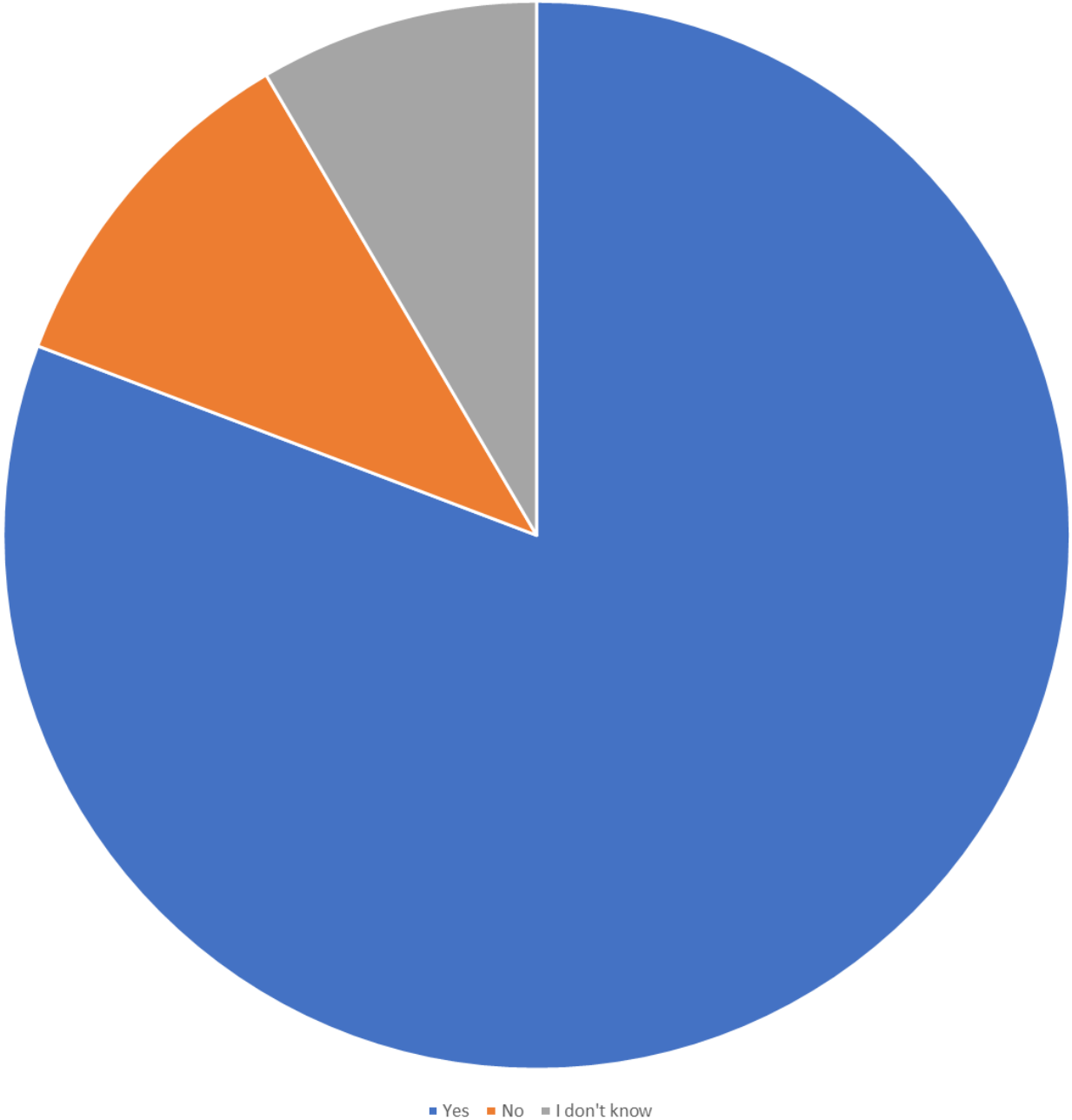
- *Concurrent jurisdiction as stated by the US Atty Office requires a jail to be built in the tribal jurisdiction. Derek Champagne also said so in 2012.*
- *Police officers show preferential treatment to family members and friends, that will naturally fall over into the court system.*
- *The tribe should consider the importance of diversifying its court systems. You can't get anywhere when everyone is family and uses that to bully nonmembers of Akwesasne into silence. Or to threaten them to be banished for speaking out.*
- *The community is so small that finding impartial parties [jurors] who aren't related to or know of the offender/victim would be extremely difficult.*
- *The Tribal Court has a long road ahead before a criminal court gets implemented. Not only logistically speaking, but I can foresee issues with recusing his/herself due to family relations or personal relationships. We would also have to think about the backlash that court personal might see from an accused person after a verdict is rendered especially if they live in the community.*



Section 8 – The Tribal Courts
and the Study About a Possible
Tribal Criminal Justice System

Yes	105	80.8%
No	14	10.8%
I don't know	11	8.5%
Total Responses	130	100.0%

Q27 - Do you support expansion of the SRMT Tribal Courts to include criminal jurisdiction over a non-native person who commits an offense against a native person on the reservation?





Section 8 – The Tribal Courts and the Study About a Possible Tribal Criminal Justice System

Q27 – Comments (Tribal criminal jurisdiction over non-Natives)

5 comments generally said that if the Tribe exercises criminal jurisdiction, it should include criminal acts by non-Native persons

- They are under the laws of the Tribe. They need to behave in a civilized manner. If not they need to pay for their crime with behavior modification.*
- Any person, non-native or not, should be held accountable for their criminal actions.*
- It is a perception by nonnatives that the reservation tends to be a lawless place and that people do not respect law and order here. I consistently see nonnative's exhibiting very poor and illegal behavior when they are in what should be our jurisdiction and they should be shown that their actions will have consequences and that we do respect law and order here.*
- It matters not who commits the crime but rather where it was committed...and especially given New York State's history towards indigenous peoples, it is imperative that all offenses that happen in Akwesasne are heard in Akwesasne. Isn't part of the expansion of criminal jurisdiction to ensure all residents of the territory are able to get proper justice for offenses committed against them? If state courts are hearing cases, this will not be the case...*
- If you get a traffic ticket outside the rez, you have to go to their courts. The same should apply here in our courts.*



MEMBERS LIVING OUTSIDE OF THE AKWESASNE COMMUNITY

Section 9



Section 9 – Members Living Outside of the Akwesasne Community

Q28 - If you live out of the Tribe's service area, do you have any observations or experiences you would like to share?

Five separate comments addressed a perception of lack of consequences currently in Tribal Court, the Community does not appreciate the amount and type of crime, suspicion of police, racism in courts outside Akwesasne, and observations of negative impact of marijuana on families in other reservations

- Off the reservation, people do not rely on their local police department for non-emergency/ criminal issues like they do on the reservation. Going to a civil court off the reservation is better than going to tribal court now because the tribal court orders have no legal standing. There are no criminal consequences to failing to abide by an order issued by tribal court.*
- ...Our community is a focus point and epicenter for transnational crime. Yet an overwhelming number of our community members still pushback to law enforcement, at all levels, local, state and federal, who are trying to help victims and apprehended offenders. Crimes and criminals need to be highlighted, exposed, and displayed to the public eye for community members to really see just how much is happening in their own backyards.*
- [I have knowledge of other reservations] and see that marijuana addiction in taking a toll on Indian families.*
- I live [off territory] and don't really sense a major police presence there [in AKW]. The ones I've seen carry themselves with bully-swagger that makes you want to ask what drove them to want to be a police officer. With stories about trafficking/weapons, people, drug smuggling in the area, makes you wonder if the cops too aren't a part of a bigger racket.*
- Racism unfortunately runs rampant outside of Akwesasne, particularly towards people of color and indigenous peoples, including the Supreme Court ... is destroying tribal sovereignty.*



FINAL REFLECTION

Section 10



Q29 – Final Reflection Comments

Five comments were favorable to the Tribe's exercise of Criminal Jurisdiction

- *"I believe Akwesasne would benefit from having a criminal justice code here."*
- *"I support the Tribes intention of expanding their jurisdiction in controlling inappropriate actions on the territory."*
- *"There should be a facility (jail/detox/rehab) on our territory already...Or asap."*
- *"It is definitely in the best interest of the community for SRMT to expand into all jurisdictions of Justice as pertaining to our community, how can we be reliant on outside governments and entities to help our people? We can't, history has shown this- if we want our people to succeed and do better we as a Community need to invest in our own systems."*
- *The tribal court system can and should enforce certain crimes against residents, which would include the following; noise complaints, low level VTL infractions (with penalties affecting DL and insurance leverage), trespassing ordinance (member & non-members), underage cannabis usage/ possession penalties.*

Five comments expressed concern about the Tribe's exercise of criminal jurisdiction, systems' readiness, potential for bias in the community due to family ties and size of the community

- *"I sure hope the justice system knows what it is doing. Previous councils set the stage by allowing 1) Tobacco sales/shops 2) Casinos 3) Dispensaries 4) Bingo Halls. People here started to become poor by gambling their money away. Others had addictions to tobacco, alcohol, and drugs. None being good for them. Even the local radio station is encouraging people to gamble on Radio Bingo. This includes the Tota Bingo. Senior Center has bingo every week."*
- *"It would be hard to have a jury in tribal courts as everyone knows everyone and big families have many relatives."*
- *I lived away [in a city] and have often felt the sense of lawlessness much more in upstate New York. The sense of feeling unsafe. Seems like there's an unspoken way of doing things, not black & white, concrete rules...I definitely feel that [tribal] leadership weighs in favor of keeping the peace, instead of seriously enforcing anything.*
- *"I do think advancing a tribal court would be an important step forward. However, it will not be easy nor will it be cheap. It has to have the correct personnel so that the community will respect it and I really think that our community is craving law and order and stability and they do not always get it...If we consider the recent Covid pandemic, the vast majority of people north and south of the border followed all of the rules put forward by leadership and in general our community was not stricken as severe as others were... a small minority kept breaking rules and breaking the law and continued smuggling aliens across the border, selling drugs and gathering in groups despite evidence that this was dangerous."*



Q29 – Final Reflection Comments (Continued)

(Five comments, Continued)

- *Community members rely too much on the tribe to provide for them and expect the tribe to take care of issues for them without being willing to do their part. They fail to pay tribal tickets and have no consequences but yet willingly take their annual fuel allotment. Community members have no consequences for allowing excluded nonmembers to reside on the reservation. The Tribe/Court has shown they are not willing to be strict enough to keep the community safe. Animal control won't even issue a citation for a leash ordinance violation... I don't have confidence in the court to hear misdemeanor or felony cases.*

One comment urged collaboration between SRMT, MCA and Traditional Government

- *"It would be great to see the SRMT and MCA and Traditional Government working together on this initiative. I work for [redacted] but believe more in our cultural ways. We have wonderful community-minded members that have great intentions but get soured by political views...this is in every faction of our community but at the end of the day, without the divisions, we are all just humans with mostly the same mindset and intentions. Let's work on that as well."*

One comment discussed the needs of Tribal Victims/Survivors in Courts Outside the Tribal Courts System

- *There needs to be integration and I do believe that the healing to wellness court has been doing this. But what about victims of crimes [filed] outside the tribal court system. Also, what about victims that move to the northern portion of Akwesasne - we have no protections because the order of protection is only valid in NYS.*

Two persons commented on the needs for services especially for Youth

- *Prevention and mental health issues must be addressed for youth/parents."*
- *We need consistent and quick follow through for youth involved with social services and/or foster care. We have a lot of caring adults in these lives, but due to turn over and large caseloads we seem to struggle with following through with each individual [youth]. Increased school communications is always appreciated and welcome, [schools] can help and connect with families and students.*



Q29 – Final Reflection Comments (Continued)

Four unique comments in reflection:

- It is important to look at people who were arrested but become informers for whom there is no follow up or conversation about accountability. They get to live their life as though nothing has happened. Our community has a tendency to not address the elephant in the room. I think if they were mandated to attend classes or process.*
- “I grew up on the Rez and I believed I had a good childhood with good values. When I come home, I am always sad to see the way the people now live. Not in poverty but they seem lost. The dollar, alcohol, drugs, and loss of respect seems to have taken over.”*
- “Akwasasne should stop portraying that natives from other reserves are less-than and don’t deserve the same treatment as members. Other natives are here through working or familial connections and face double the discrimination. They are discriminated against off reserve, then if they are not from Akwasasne they are discriminated against here for not being a member. Akwasasne is a rich community but the treatment that others face is disgusting and many from here would speak out if it was done to them. How is this right or fair? Are we not all brothers, sisters, cousins? Do you want to be accepted and treated with respect when you go to other nations? If you are going to implement laws, make sure you have competent people to represent them and enforce rules.”*
- Perception that law enforcement can use influence within the PD to protect family members from facing criminal punishment*

Section 10 – Final Reflection



Comments or Questions?

Please see the SRMT Tribal Courts' Website
for more information