

# PLAN ADOPTED BY THE MENTASTA TRADITIONAL COUNCIL

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## AND THE ALASKA COURT SYSTEM FOR RESTORATIVE JUSTICE REFERRALS UNDER CRIMINAL RULE II(i)

This PLAN adopted by Mentasta Traditional Council and the Alaska Court System sets out the procedures for the referral of matters relating to criminal cases involving Tribal members and descendants of members.

**PARTIES:** This PLAN is made and entered into by the Mentasta Traditional Council and the Alaska Court System on behalf of the Glennallen Trial Courts.

**PURPOSE:** The purpose of this PLAN is to involve the Tribe and traditional restorative justice approaches in Alaska Court System cases involving tribal members, recognizing that outcomes in these cases improve when the delivery of justice involves collaborative and community-based programs.

The Court's efforts to impose meaningful and relevant consequences for the defendant, the community, and the victim will be aided by tribal restorative justice program sentencing recommendations that reflect the community's assessment of the impacts of the criminal behavior and that integrate local wisdom and cultural norms.

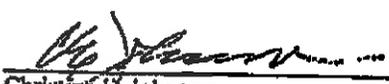
### **BOTH PARTIES AGREE TO THE FOLLOWING PROCEDURES:**

1. The Tribe will monitor the daily Court calendar for Tribal members or member descendants. The Tribe will submit a request for a copy of the relevant charging documents from the case file, which the Court will provide to the Tribe within 5 working business days of receipt of the request. The Court will not charge the Tribe for these documents.
2. Within 5 working business days after receiving the documents, the Tribe will notify the Court whether it wishes to conduct a circle sentencing as to that defendant.
3. If the Tribe notifies the Court that it wishes to conduct the circle sentencing as to that defendant, the Court will notify the parties of this request. If the defendant subsequently is convicted of the crime, the Court will, within 5 working business days of the conviction, notify the Tribe of the date that the defendant will be sentenced and whether the prosecution, defense and victim (if any) have consented to a referral. Provided that the necessary consents have been obtained, the Court will also formally refer the case to the Tribe at that time to conduct a circle sentencing. The notice and referral, if any, will identify the charge of which the defendant was convicted, any mandatory sentencing requirements (such as the presumptive or minimum term that the defendant must serve in jail), and any agreement the defendant and the state made regarding the conviction. When a case has been referred to the

Tribe under these procedures, the Court will set sentencing for a date at least 45 days after the date of conviction.

4. After a case is referred to the Tribe, the Tribe will take the necessary steps to convene and conduct the circle sentencing. The Tribe will promptly notify the Court if it needs the Court to change the sentencing date.
5. The Tribe will complete the proceeding no later than 10 days prior to the Court sentencing date. The Tribe will inform the Court, district attorney, the defendant, and the defendant's lawyer, if any, of the proceeding date at least 5 days prior to that date.
6. Through this community-based process, the circle sentencing will identify proposed terms of the defendant's sentence, which may require culturally relevant activities, a drug and alcohol assessment and treatment, restitution (such as money or services for the victim), or other steps.
7. At the end of the circle sentencing, the Tribe will prepare a written report, which will state each component of the recommended sentence and timeframe for completion of each component. This report shall be provided to the Court, the defendant, the defendant's attorney and the district attorney at least 5 days before the date of the sentencing.
8. The Court will carefully and respectfully consider the recommendation of the circle sentencing. The parties understand, however, that the Court is not bound by that recommendation.
9. The parties agree to meet from time to time to review the implementation of this PLAN and to make any revisions they find to be appropriate.
10. Nothing in this PLAN prevents the Tribe from conducting a circle sentencing after notification of defendant's conviction and providing a sentencing recommendation to the Court, even if a formal referral has not been made.

SIGNED THIS 1<sup>st</sup> DAY OF June, 2016.

  
Christine E. Johnson  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

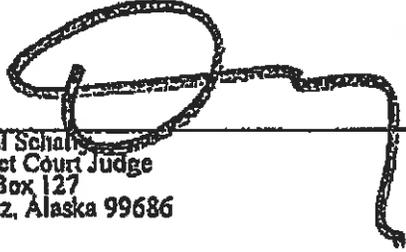
  
Ted Sanford,  
First Chief  
Mentasta Traditional Council  
P.O. Box 6019  
Mentasta Lake, Alaska 99780

Acknowledged by:



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Michael Franciosi  
Magistrate Judge  
Glennallen Court System  
P.O. Box 86  
Glennallen, Alaska 99588



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Daniel Schan  
District Court Judge  
P.O. Box 127  
Valdez, Alaska 99686