

**PLAN ADOPTED BY NIKOLAI VILLAGE (Tribe)
AND
THE ALASKA COURT SYSTEM (Court)
FOR RESTORATIVE JUSTICE REFERRALS
UNDER
ALASKA CRIMINAL RULE 11(I)**

This PLAN adopted by Nikolai Village and the Alaska Court System sets out the procedures for the referral of matters relating to criminal cases involving tribal members and descendants.

PARTIES: This PLAN is made and entered into by the Tribe and the Court on behalf of the Bethel Trial Courts

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

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

BOTH PARTIES AGREE TO THE FOLLOWING PROCEDURES:

1. The Tribe will monitor the Court calendar for cases involving tribal members or member descendants. The Tribe may submit a request for a copy of the relevant case documents from the case file, such as complaints and indictments, which the Court shall provide to the Tribe within 10 days upon receipt of the request. The Court will not charge the Tribe for these documents.
2. Within 10 days of the receipt of these documents, the Tribe shall notify the Court whether it wishes to be involved in the case.
3. If the Tribe notifies the Court that it wishes to be involved in the case, the Court shall notify the parties of this request. If the defendant subsequently is convicted of the crime, the Court shall, within 10 days of the conviction, notify the Tribe of the date that the defendant will be sentenced and whether the prosecution, defendant, and victim (if any) have consented to a referral. Provided that the necessary consents have been obtained, the Court shall also formally refer the case to the Tribe at that time to conduct a tribal sentencing proceeding.

The notice and referral to the Tribe, if any, shall 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 may have made regarding the conviction. When a case has been referred to the Tribe under the PLAN, the Court shall set sentencing for a date at least 60 days after the date of conviction, unless the Tribe and the Court agree to a different time period.

4. After a case is referred to the Tribe, the Tribe shall take the necessary steps to conduct the

tribal sentencing proceeding. The Tribe shall promptly notify the Court if it needs the Court to change the Court's sentencing date in order to provide for additional time for the tribal sentencing proceeding to occur.


5. The Tribe shall complete the proceeding no later than 15 days prior to the Court sentencing date. The Tribe will inform the Court, the prosecution, defendant, defendant's attorney (if any) and victim (if any) of the date of the tribal sentencing proceeding at least 10 days prior.
6. Through these collaborative and community-based efforts, the tribal sentencing proceeding shall identify proposed sentencing recommendations, which may include culturally relevant activities, drug and alcohol assessments and treatment, restitution (such as money or services for the victim), or other remedies.
7. At the end of the tribal sentencing proceeding, the Tribe shall prepare a written report stating its sentencing recommendations and the time period for completion of each component. This report shall be provided to the Court, the prosecution, defendant, defendant's attorney (if any) and victim (if any) at least 10 days before the State Court sentencing.
8. The Court shall carefully consider the recommendations of the tribal sentencing proceeding. The Parties understand, however, that the Court is not bound by those recommendations.
9. The Parties agree to meet from time to time to review the implementation of this PLAN and to make any appropriate revisions to it.
10. Nothing in this PLAN prevents the Tribe from conducting a tribal sentencing proceeding on its own after notification of defendant's conviction. Moreover, the Tribe may make sentencing recommendations to the Court, even if a formal referral has not been made.

SIGNATORIES TO THE PLAN

SIGNED: 

Nick Alexia Sr.
1st Chief
Nikolai Village
PO Box 9107
Nikolai, Alaska 99691

SIGNED THIS 5th DAY OF October, 2016

SIGNED: 

Judge Nathaniel Peters
Bethel Trial Court
Box 130
Bethel, Alaska 99559-0130

SIGNED THIS 11th DAY OF October, 2016

SIGNED: 

Presiding Judge Michael A. MacDonald
Fourth Judicial District
Rabinowitz Courthouse
101 Lacey Street
Fairbanks, Alaska 99701

SIGNED THIS 28th DAY OF October, 2016

SIGNED:  _____

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

SIGNED THIS 26th DAY OF October, 2016