

**PLAN ADOPTED BY THE  
CENTRAL COUNCIL TLINGIT & HAIDA INDIAN TRIBES OF ALASKA  
AND  
THE ALASKA COURT SYSTEM**

**FOR RESTORATIVE JUSTICE REFERRALS  
UNDER CRIMINAL RULE 11(f)**

This PLAN adopted by the Central Council Tlingit and Haida Indian Tribes of Alaska ( the Tribe) and the Alaska Court System (the Court) sets out the procedures for the referral of matters relating to criminal cases involving Tribal citizens and their descendants.

**PARTIES;** This PLAN is made and entered into by the Tribe and the Court on behalf of the First District Trial Courts.

**PURPOSE:** The purpose of this PLAN is to involve the Tribe and traditional restorative justice approaches in Court cases involving CCHITA Tribal Citizens, 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 or juvenile offender, 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.

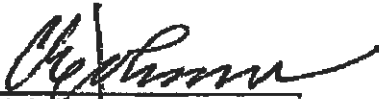
**BOTH PARTIES AGREE TO THE FOLLOWING PROCEDURES:**

1. The Tribe will monitor the daily Court calendar for Tribal citizens and descendants of Tribal citizens. The Tribe will submit a request for a copy of the criminal complaint and/or charging documents from the case file, which the Court will provide to the Tribe within 5 days of receipt of the request. The Court will not charge the Tribe for these documents.
2. Within 5 days after receiving the documents, the Tribe will notify the Court whether it wishes to conduct a circle sentencing proceeding as to the defendant.
3. If the Tribe notifies the Court that it wishes to conduct the circle sentencing proceeding as to a defendant, the Court will notify the parties of this request. If the defendant subsequently is convicted or pleads guilty of the crime(s), the Court will, within 5 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 the 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 proceeding. 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 proceeding. 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's 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 the date.
6. Through this community-based process, the circle sentencing proceeding 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 proceeding, 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 Tribe's circle sentencing proceeding. The parties understand, however, that the court is not bound by the 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 the PLAN prevents the Tribe from conducting a circle sentencing proceeding after notification of defendant's conviction and providing a sentencing recommendation to the Court, even if a formal referral has not been made.

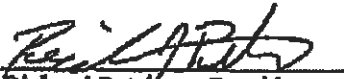
SIGNED THIS 4<sup>th</sup> DAY OF March, 2016.



Christine Johnson  
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Judge Trevor Stephens  
Presiding Judge, First District  
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