

**1. Identify one or more of the crime and safety problems described in the Tribal Community and Justice Profile that the tribe plans to address through the proposed grant funding and describe the problems(s) with as much detail, including data, as necessary to clearly describe the nature and extent of the problem(s).**

The Oneida Indian Nation's (Nation) tribal Court system should serve as a model for other tribal courts. The make-up of its court system, including the stature of the judges and other staff the Nation has retained, is a source of immense pride for the Nation. Unfortunately, the court's physical facilities are inadequate to uphold the solemnity and dignity of the court. The facility currently being used as a courthouse is a converted former residential home (see photos in attachments) that provides a makeshift courtroom, a clerk's office, and a small room for defense counsel to meet with accused persons. The judges' chamber is an office shared with the probation officer, there is no office for the prosecutor, and no space for crime victim services. The courtroom is a conference room that was reconfigured in January/February 2015 to provide for a judicial bench, a court clerk area, and prosecution and defense tables; however, it lacks a witness stand, jury box, or gallery. The equipment in the court is outdated and inadequate. Although full jury trials are infrequent at this time, when jury trials do occur they have to be conducted in the dining facility of the Children's and Elders' Center due to the lack of adequate space in the designated courtroom. The building in which court is conducted is locked, but there are no other security measures in place for the space.

Although the Nation Court is not subject to New York State guidelines for court facilities, it is the goal of the Nation to meet or exceed those guidelines. Doing so will ensure the Nation's court facilities are comparable to those of neighboring jurisdictions, thereby enhancing the dignity and authority of the court and providing a facility of which the Nation membership and community can be proud. The guidelines (PART 34 Guidelines for New York State Court Facilities, Section 34.0 Court Facilities) that will be addressed include (but are not limited to):

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- Appearance: Guideline III.1 states that court facilities should have an overall appearance of dignity and efficiency as “the appearance of court facilities affects the attitude of litigants, attorneys, the public, and court employees.” Court hearings and trials held in the current Nation facilities are perceived by some defendants (and their attorneys) merely as discussions or as “suggestions” from the court due to the informal and unprofessional environment.
- Confidentiality: Guideline III.9 states that “functions that require a considerable degree of confidentiality—such as jury deliberation; attorney/client conferences; attorney/defendant interviews; conferences with judges, clerks, and probation officers; and adoption proceedings—should be held in private rooms.” In the current Nation justice facility there is no office space for the prosecutor in the building and only one office for defense counsel to meet with clients. There are no private spaces for victims to meet with advocates or access other support services. The judge’s chamber is an office shared with the probation officer.
- Facilities: Guideline III.2 states that “an inadequate number of facilities delays the administration of justice.” Guideline III.7 references the need for soundproofing of some rooms to ensure confidentiality. None of the rooms in the current court facility have adequate soundproofing.
- Exterior of Building: Guideline IV.1 states that the justice building should be clearly designated as a courthouse and it is “particularly important” that the existence of the courtroom is made clear to the public. Some Nation members do not know where the Nation Court is. In the 2011 Oneida Nation Police Department (ONPD) Customer Survey, Nation members and employees were asked, “How could the Nation police serve you better?” One respondent replied, “Let all of us know what is going on. Why do we no longer have court?” The same response was repeated in the department’s 2014 survey.

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- Security: Guideline VI.3 states the layout should be devised so there are “separate patterns of circulation” and separate entrances for 1) judges, jurors, and court staff, 2) prisoners, and 3) the public; in order to provide security, minimize conflicts, and ensure confidentiality of proceedings and records. Guideline V.4.H states there should be prisoner holding facilities adjacent to the courtroom and that these facilities should have at least one secure attorney/defendant interview room. In the current facility, there is no separate entrance for handcuffed defendants and no separate holding area for persons under arrest or awaiting transport to another court or jail; of necessity, these individuals are placed in the single office where defense counsel meets with their clients. This means any other defendants have to speak with their counsel in the reception area, which cannot accommodate confidentiality. It also means that extra law enforcement staff must be employed to physically supervise prisoners brought to the courthouse for trial.
- Function: Guideline VII.2 provides guidance for the proper design of “the least complicated courtroom,” which includes: a minimum well area of 24 feet depth and 20 feet width, a judge’s bench, a witness stand, a court reporter station, a clerk’s station, litigant tables, and spectator seating. The Nation’s current courtroom is a reconfigured conference room; and while it has a makeshift judicial bench, a court clerk area, and prosecution and defense tables, it does not have a witness stand, jury box, or gallery. Renovating and expanding the current space will not only provide appropriate space for current court activities and jury trials, but will also support the expected increase in demand due to the growth of the Nation’s commercial enterprises and the expansion of the court’s authority/jurisdiction due to legislation such as the Federal Tribal Law and Order Act and the Violence Against Women Act.

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- Equipment: Guideline VII.1 states that every courtroom should (1) allow the participants and public to hear all proceedings clearly in normal conversation, with microphones to be used as necessary and (2) have an assigned space for the viewing of exhibits. In the current courtroom, wires and cables used to connect computer equipment and recording devices cover the conference tables during court proceedings, creating a safety hazard. There is a lack of table space for files, necessary court documents and exhibits.

In addition to the inadequate court facilities, the ONPD headquarters is located ten (10) miles from where court is conducted. Having the court located separately from the ONPD affects communication between the probation officer and law enforcement, judiciary, and prosecution. Renovating the court facility to provide a satellite office or substation for the ONPD, along with probation, victim advocates, and judiciary services, will make sharing of information much more efficient, better address public safety, and enhance the efficiency of the judicial process.

**2. Describe current or previous efforts to address the problem(s) identified in question #1, and state whether they were effective.**

In 2012-13, the Nation began exploring options for a new courthouse facility, along with revisiting the strategic direction of the entire criminal justice system. In discussing both matters, the idea for a new multipurpose justice center was conceived. The Nation considered several potential building sites and initially decided to demolish the current structure and construct a multipurpose justice center on the existing site, since maintaining this location would keep the justice center in close proximity to the Nation's Village of the White Pines housing community, Children's and Elders' Center, Health Department, Recreation Center, athletic fields, Cookhouse, and Council House, which is the traditional seat of the Nation's government (see a map of the site in the attachments). In addition, the current site provides ready access to public water and sewer hook-ups and electric, telephone, broadband, and other utilities.

The Nation ultimately determined it would be wasteful to demolish the entire existing structure, which is fundamentally sound, in order to build a new facility. Thus, the Nation's General Counsel (who oversees the Nation Court) was tasked with investigating the feasibility of renovating the current facility. Based on that investigation, the Nation determined the existing facility could be renovated and expanded to create a single-jurisdiction multipurpose justice center that will meet current and future needs. The main floor of the two-story building will be renovated to provide space for the offices of the probation officer, the victim services coordinator, and the ONPD satellite substation, complete with a holding cell. In addition to renovating the existing space, the facility will be expanded into the parking lot to provide for a properly equipped courtroom with a separate entrance, judges' chambers, a jury room, private office space for the court clerk, and meeting space for client/attorney meetings and the Nation Prosecutor. The existing second floor may be used as an office for the Nation's Fire Marshal, who is supervised by the ONPD. Preliminary planning, renderings, budget and timeline for the renovation are complete. These preliminary designs have not yet been converted to construction drawings. The plans are also subject to additional modification based upon availability of funding. Once funded, final design, site preparation, and selection of a design-builder will begin immediately, followed by the renovation and expansion work.

**3. Describe any current gaps in services related to the problem(s) identified in items #1 and #2 that will be addressed through this grant application.**

The gap is simple—the Nation does not have a courthouse that meets even the basic standards for proper court facilities, creating a less than ideal situation across multiple fronts:

- Appearance: Court facilities should have an appearance of dignity and efficiency. The Nation's current court facility is informal, unprofessional, and undignified.

- Safety: When court is in session there are officers in the vicinity, but at other times there is no security. There is no holding cell and there are no separate entrances. In the courtroom, defendants are mere feet away from the judges, which is improper and unsafe.
- Efficiency: Having the court and law enforcement spaces in separate locations on the Nation land adversely affects communication between the probation officer and law enforcement, judiciary, and prosecution personnel. Providing for a multipurpose justice facility with space for the ONPD substation, probation, victim advocates, and judiciary in one building will make sharing of information much more efficient and will better serve public safety.

The chart below summarizes what the Nation has in place at the current court facility and what is proposed:

*Table 1: Current and Proposed Facility*

	Current Space	Proposed Center
Courtroom	Conference room	Yes
Holding cell	Bench at police headquarters	Yes
Judges’ chambers	Shared with probation officer	Yes
Probation officer office	Shared with judges	Yes
Prosecutor office	None	Yes
Conference room	Yes	Yes
Satellite office for police	None	Yes
Court clerk	Yes	Yes
Recording equipment	Wired microphones	Yes
Jury room	None	Yes
Office for Victim Support Services	None	Yes

**4. Explain how your Tribe identified and prioritized the problem(s) described above to be addressed through this grant funding.**

Inadequate court and justice facilities have been an ongoing concern for the Nation for some time. As previously stated, respondents to ONPD customer surveys conducted in 2011 and 2014

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seemed not to even know that the Nation Court was operating, indicating a serious problem with Nation members' perception of the Nation Court. As noted above in Section 2, in 2012, the Nation entered into discussions regarding the need for a single-jurisdiction multipurpose justice facility to incorporate police, court, and probation under one roof to facilitate better communication, safety, and visibility of the criminal justice system on Nation land. The Nation's General Counsel, who oversees the Nation Court, was tasked with investigating the feasibility of renovating the current courthouse facility. Guideline V.2 of the Administrative Rules of the Unified Court System & Uniform Rules of the Trial Courts, PART 34 states that new court facilities may be created by renovating existing structures as long as the existing structure allows functional layout and design appropriate for a courthouse. Preliminary planning has indicated it is feasible to reconfigure and expand the current structure to incorporate the critical functions of a courtroom, along with adequate secure holding, office and meeting space. It was therefore determined that renovating the existing facility will reflect the sophistication and dignity of the Nation's court and its continued commitment to its justice system. The project is important for two primary reasons. First, the renovated facility will provide the Nation and its members with an identifiable, dedicated courthouse that is secure, efficient, and dignified. Second, the Nation anticipates an increase in the need for the services of the court due to 1) changes in laws affecting tribal courts and 2) economic development within the Nation.

The Federal Tribal Law and Order Act of 2010 expanded the punitive abilities of tribal courts across the United States. While this was a major step toward improving enforcement and justice in Indian Country, it also increased court activity. A 2013 report released by the Department of Justice showed that prosecutions on Indian land increased 54% in 2012 as compared to 2008. In addition, before the signing of the Violence Against Women Act in March, 2013, tribal courts

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had no jurisdiction over cases involving non-Indians committing crimes on tribal lands. Since enactment of the law, the Nation has (with the assistance of CTAS funding) been developing and implementing training that focuses on addressing violence against women for criminal justice personnel, service providers, and medical personnel. The Nation expects to see an increase in cases under the Violence Against Women Act as a result of this increased education and training. In addition, the Nation meets all of the requirements under the Violence Against Women Act to give the Nation court jurisdiction under the Act, including jurisdiction over non-Native Americans committing offenses on Nation land.

As noted in the Tribal Narrative (Section 3), the Nation is expanding. Commercial activity conducted by the Nation and third parties on Nation lands is set to significantly increase in the very near future. In 2015, the Nation plans to expand its Turning Stone Resort Casino in central New York State and to open a second gaming facility in Chittenango, New York. Together, this will result in the creation of approximately 1,350 new jobs and an increase in the number of visitors to the Nation lands. In 2016, a premium outlet retail will be built on Nation land. It is expected this increased activity will bring in more people, increasing the potential for increased criminal activity and the need for more policing activity, which will mean increased demands on the Nation's justice system.

**5. Describe how the proposed grant-funded program will address the identified problems.**

The project proposed in this application will enable the Nation to improve the administration of justice and enhance the dignity of the court by renovating and expanding the existing facility and co-locating law enforcement and other justice program services in a dedicated, identifiable, single-jurisdiction, multipurpose center. This justice center will address not only the lack of a

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courtroom, but also the distance of the court from the ONPD, the lack of a holding cell, and the lack of a victim services office and other needed space.

**6. For each identified problem in item #1, identify the specific goals and objectives of the proposal that will be accomplished in 36 months. Provide details about the specific tasks and activities necessary to accomplish each goal and objective.**

*Table 2: Work Plan*

<b>Goal:</b> To expand and renovate the existing structure to create a tribal multipurpose justice center on Oneida Nation land.		
<i>Objectives</i>	<i>Activities</i>	<i>Completion Date</i>
Select a Design-Builder for the design and renovation/expansion work	Review pricing and/or bids; Select Design-Builder; Draft, negotiate and execute Design-Builder contract	Year 1 Month 4
Complete design for renovation/expansion work	Review and approve schematics, design and engineering documents for the renovation/expansion work	Year 1 Month 8
Complete Site Work	Grading and utilities preparation by Nation Facilities; Removal and storage of furniture and records; Relocation of current employees; Obtain applicable Nation permits and regulatory approvals from the Nation Code Enforcement Officer and Environmental Manager for the renovation/expansion work	Year 1 Month 8
Renovation/Expansion Work	Renovate and reconfigure existing space at the facility consisting of office space and conference room space (including the current court room), to provide for office space for ONPD’s satellite office or substation so that ONPD could maintain a presence at the multi-use facility, the holding cell for ONPD to use for defendants, office space for the Nation’s probation officer and office space for the Nation’s Victim Services coordinator; Further expand the current facility to make room for and create a court room with a separate entrance, (complete with a jury box, witness box, galley and defense and prosecution tables), judges’ chambers, office space for the court clerk, a jury room and meeting space for client attorney meetings and the Nation prosecutor.	Year 2 Month 3
Complete Finishes	Finish flooring; mount interior doors; build judge’s bench, cabinets, casework, etc.; paint; conduct inspections; complete closeout	Year 2 Month 4
Inspect Facility	Final regulatory inspection; Issuance of Certificate	Year 2 Month 4

	of Occupancy	
Furnish facility	Procure furniture, fixtures, and equipment through Nation’s supply chain department using best practices GSA schedule pricings; set up space and offices using Nation’s Facilities Department	Year 2 Month 5
Commence operations at multipurpose justice center	Relocate existing staff, furniture, equipment and records to new justice center; initiate justice services at new location; convene Nation Court in expanded court facilities	Year 2 Month 5

**7. Describe the management structure, staffing, and in-house or contracted capacity to complete each of the proposed projects, and any organizational changes that may result if funding is awarded. Include detailed information about existing resources within the Tribe and the community that will help make this project a success.**

The Nation will hire a design-builder to oversee the design, renovation, and expansion of the facility. The design-builder will report to the Nation General Counsel, who, with the assistant of the Nation Clerk, will serve as the sponsor of the project. The General Counsel oversees the court system and has been heavily involved with several previous building projects for the Nation. The Nation has a history of completing quality renovation and construction projects on time and within budget. There are processes in place to make the construction planning, permits, and inspections processes move forward efficiently. Additionally, the Nation has experienced in-house personnel responsible for related functions, including: facilities, construction, maintenance, emergency services, codes enforcement, and supply chain.

In order to limit disruption as much as possible, court staff will be temporarily relocated to other Nation facilities, as necessary. If necessary, Nation Court proceedings will be held in other available Nation facilities during the renovation work. The court clerk will work out of an office in the Nation’s Annex location.

**8. Identify current government and community initiatives that complement or coordinate with the proposal and any partnerships that will be created or enhanced as a result of funding. Describe the roles of each identified partner.**

In 2013, the Nation was awarded CTAS funding under Purpose Area #5 to develop a community-coordinated, victim-centered response to violence against women. A position for a Violence Against Women coordinator was created within the ONPD. That individual has attended training and is working to develop protocols, create crime victim services, and develop and implement a tribal public awareness campaign. This position will be housed in the new justice center, which will provide a secure and private space for victims to file cases and meet with advocates.

In 2014, the Nation received CTAS funding under Purpose Area #3 to support the fulltime participation of two ONPD investigators in the Border Enforcement Security Task Force (BEST), which was created to better protect and regulate the New York/Canadian border. ONPD BEST investigators have worked on drug and cigarette smuggling and human trafficking cases on Nation lands. It is anticipated that the activities of the BEST investigators will result in increased demands on the Nation's court system, with more drug-related cases being brought before the court. It is likewise anticipated that the partnership between the Nation, the State of New York, and the Counties of Madison and Oneida (under the pending Oneida Deputization Agreement) will result in more cases being brought before the Nation court. In addition to engendering respect in both defendants and defense council, the renovated multipurpose justice center will provide for a more efficient process for this increased workload, providing an ONPD satellite office/substation, a holding cell, and facilities for the proper handling and presentation of evidence.

**9. Describe how the applicant will know if the program works and how success will be determined and measured. Describe how data will be collected and assessed to measure the impact of proposed efforts.**

- i. What will be measured? - The Nation will develop a Master Planning Checklist of milestones. This Checklist will be used throughout the grant period to monitor progress—both for budgetary purposes and for each element of construction. With construction grants, the key factors are budget and timing, i.e., making sure the building is constructed on time and within budget. It is also important that the Nation meets its grant funding obligations. The anticipated milestones will include: attend DOJ-required training, establish grant reporting calendar, hire the design-builder, hire subcontractors, procure materials, hire the crew, begin renovation, complete renovation, complete final details, perform final inspection, procure furniture and fixtures, and move staff into the space.
- ii. How will data be collected? – design-builder information and data to measure progress of the project (i.e., hitting milestones, etc.) will be obtained by the General Counsel and/or her designee through review of ongoing progress reports from, and discussion with, the design-builder as well as building codes personnel. These discussions will occur through regular meetings (weekly or bi-weekly), weekly reports, and firsthand site inspections. The General Counsel will not only rely on the individuals listed above to provide reports, but will also take a proactive approach and ask for proof-of-progress toward each milestone. Time and materials reports will be collected and verified against percentage of completion. The Nation in concert with the design-builder will oversee the bid process to ensure the bids are cost effective for competitiveness and reasonableness. Lack of progress will result in financial consequences and could precipitate changing subcontractors.
- iii. Who is responsible for collecting the data? – The General Counsel or her designee will be responsible for oversight of data collection, including communicating with the design-

builder, obtaining reports from the design-builder, and observing if milestones are being met.

- iv. How is success defined? – Initial success will be defined by completion of the renovations and expansion on time and within budget, and by the initiation of operations at the multipurpose justice center. In the long term, the new facility will be successful by enabling the Nation to apprehend, prosecute, adjudicate, and rehabilitate offenders more effectively and efficiently. The project will also be deemed a success if it fosters pride in and respect for the Nation Court among Nation members.

**10. Describe how evaluation, collaborative partnerships, or other methods will be used to leverage ongoing resources and facilitate a long-term strategy to sustain the project when the federal grant ends.**

The new multipurpose justice center will allow for more collaborative partnerships among Nation criminal justice, correctional, court, and victim services entities. Simply being housed together in the same space will enable people to communicate more freely and share ideas, which can lead to new projects and new sources of funding. The collaborative atmosphere will also facilitate an increase in efficiency. Most importantly, having an identifiable, dedicated courthouse that is secure, efficient, and dignified will provide a visible demonstration of the Nation’s comprehensive approach to public safety and criminal justice, fostering respect for the law and providing a concrete symbol of which the Nation can be proud.

- i. Challenges anticipated in sustaining the program beyond the grant funding: The Nation does not anticipate any significant challenges to sustaining the project once construction of the multipurpose justice center has been completed. The Nation already has the personnel and other resources in place to effectively deliver the justice services to be

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provided at the newly expanded and renovated justice center, and facilities personnel and equipment to maintain and make repairs to the facility as needed.

ii. Request to BIA for staffing, operations, and maintenance: Not applicable.

iii. Nation's commitment to responsibility for ongoing costs of facility operation and maintenance: Operational and maintenance costs for the existing courthouse facility are already budgeted, and the Nation is fully prepared to cover all ongoing facility and maintenance costs with tribal funds. The Nation recognizes that due to the expansion of the facility, there will likely be some increased expense associated with its operation and maintenance, but no significant increase in operating or maintenance costs is expected. It is anticipated that the renovated facility will be better designed and more energy efficient, offsetting a portion of maintenance and operating expenses, and that the balance will be supported by future increases in Nation tax and business revenue.

**11. Address the Tribe's need for financial assistance and the inability of the agency to implement the proposed plan without federal funding.**

While the Nation has the funding to maintain the facility once renovated (see Section 10.i), it does not have the funding to renovate the facility to convert it into a multipurpose justice center capable of facilitating the Nation's comprehensive approach to law enforcement and public safety. All public safety funds are currently tied to existing efforts, with little money available to commit to the renovation of the justice center. As noted in the Tribal Narrative, commercial activity conducted on Nation lands is set to significantly increase in the very near future, with a new gaming facility in Chittenango and expansion of the Turning Stone Resort Casino. However, despite the opportunities these projects provide the Nation and its members, because gaming represents a majority of the Nation's business revenue, increased gaming competition has resulted in increased pressure on tribal revenues. The neighboring states of New Jersey,

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Connecticut, Massachusetts, and Pennsylvania all have (or are building) commercial gaming facilities. Closer to home, the 2013 approval of commercial gaming in New York State has resulted in a recommendation by the New York Gaming Commission’s siting board for three gaming facilities in New York, including two within approximately 100 miles of the Nation’s Turning Stone Resort Casino.

In addition to decreased revenues due to a lackluster economy over the past several years, and increased expenses associated with governmental programs (i.e., health care), the prospect of increased competition further cutting into revenues has required the Nation to carefully review and prioritize its programs and budget. Some existing programs are being cut and no additional growth can occur until new funding sources are found. Without outside funding, the Nation will be unable to fully develop and support its justice system in order to address the issues discussed above and face the challenges and opportunities in the most effective and prepared manner. To successfully diversify its funding streams, the Nation has retained a consulting firm to help identify and aggressively pursue more outside funding opportunities.

**12. If you are requesting funding in multiple Purpose Areas, is the receipt of BJA Purpose Area #4 funding required for the implementation of any other Purpose Area being requested? If so, explain.**

The Nation is also requesting funding under Purpose Area #1 to hire three new entry-level sworn police officers to meet expanded responsibility due to increased activity and cross-deputization. The Purpose Area #1 request is not dependent on Purpose Area #4 funding.