

**PLAN ADOPTED BY THE KENAITZE
INDIAN TRIBE
AND
THE ALASKA COURT SYSTEM
FOR RESTORATIVE JUSTICE REFERRALS
UNDER CRIMINAL RULE 11(f)**

This PLAN sets out the procedures for the referral of matters relating to criminal cases from the Alaska Court System to the Kenaitze Ts'iq'u Circle.

PARTIES: This PLAN is made and entered into by the Kenaitze Indian Tribe and the Alaska Court System on behalf of the Kenai Trial Courts.

PURPOSE: The purpose of this PLAN is to involve the Tribe and their traditional Ts'iq'u Circle in Alaska Court System cases, recognizing that outcomes in these cases improve when the delivery of justice involves collaborative and community-based programs.

The Court's efforts to develop responses that are meaningful and relevant for the defendant, the community, and the victim will be aided by Circle recommendations that reflect the community's assessment of the impacts and the deeper causes of the criminal behavior and that integrate local wisdom and cultural norms.

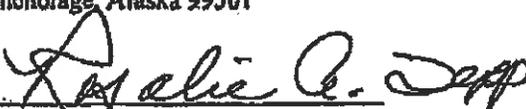
BOTH PARTIES AGREE TO THE FOLLOWING PROCEDURES:

1. The Tribe will monitor the daily Court calendar for suitable cases. 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 is available to conduct a Circle as to that defendant.
3. If the Tribe is available to conduct the Circle as to that defendant, the Tribe will notify the parties of this option and provide basic information regarding the Circle program. 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. 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. This will include contacting the appropriate people, conducting the initial intake and assessment, determining the participants and the schedule, facilitating the opening Circle and any related follow-up Circles, and completing any required reports. 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 2 days prior to that date.
6. Through this community-based process, the Circle 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), follow-up Circles, or other steps.
7. At the end of the Circle, 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 2 days before the date of the sentencing.
8. The Court will carefully and respectfully consider the recommendation of the Circle. 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 after notification of defendant's conviction and providing a sentencing recommendation to the Court, even if a formal referral has not been made, and nothing in this PLAN prevents the Court from requesting a Circle for a particular case, even if it has not been identified by the Tribe.

SIGNED THIS 29TH DAY OF March, 2016.


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Acknowledged by:


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