

**PLAN**  
**ADOPTED BY**  
**THE SUN'AQ TRIBE**  
**AND**  
**THE ALASKA COURT SYSTEM**  
**FOR RESTORATIVE JUSTICE**  
**REFERRALS**  
**UNDER CRIMINAL RULE 11(i)**

This PLAN adopted by The Sun'aq Tribe 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 Sun'aq Tribe and the Alaska Court System on behalf of the Kodiak Trial Courts ("Kodiak Court" or "Court").

**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 Sun'aq Tribe will monitor the daily Kodiak Court calendar for Sun'aq Tribal members or Sun'aq Tribal member descendants. The Sun'aq Tribe will submit a *Notice of Request for charging documents*, should a Tribal member or descendent appear on the court docket. The Court will provide the tribe with a copy of all relevant documents pertaining to the incident within 5 working business days. The Court will not charge the Tribe for these documents.
2. Within 5 working business days of receipt of relevant documents, the Tribe will notify the Court whether it wishes to conduct a Tribal Court Review Hearing specific to the case at hand.
3. If the Tribe notifies the Court that it wishes to conduct the Tribal Court Review Hearing 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.

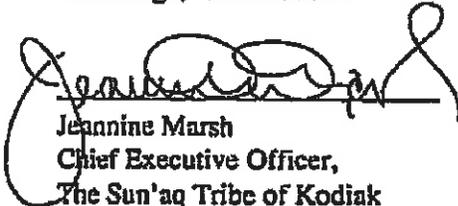
Provided that the necessary consents have been obtained, the Court will also formally refer the case to the Tribe at that time to conduct a Tribal Court Review Hearing. The notice and referral, if any, will identify the charge of which the defendant was convicted, any mandatory sentencing requirements (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 Tribal Court Review Hearing.
5. The Tribe will complete the Tribal Court Review Hearing 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 hearing date at least 5 days before the hearing.
6. Through this community-based process, the Tribal Court Review Hearing 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 Tribal Court Review Hearing, the Tribe will prepare a written Tribal Sentencing Recommendation, which will state each component of the recommended sentence and the 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 Tribal Court Review Hearing. 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 Agreement and to make any revisions they find to be appropriate.
10. Nothing in this agreement prevents the Tribe from conducting a Tribal Court Review Hearing after notification of defendant's conviction and providing a sentencing recommendation to the Court, even if a formal referral has not been made.
11. Nothing in this plan invalidates any portion of the already established Sun'ag Tribal Court System; or any future plans or agreements that may be put into action for the purpose of the Sun'ag Tribal Court.

SIGNED THIS 14<sup>TH</sup> DAY OF APRIL, 2015.

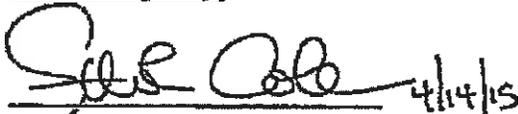


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