

TRIBAL PROBATION: AN OVERVIEW FOR TRIBAL COURT JUDGES†

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Introduction

There is great variation among tribes in the amount of discretion that tribal court judges have when imposing sentences and sentencing conditions. Some tribal codes have specific guidelines for how certain criminal offenses are to be treated and provide very little, if any, discretion for tribal court judges.¹ Other tribal codes allow tribal court judges more discretion and provide more general sentencing guidelines.² Tribal codes also

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1. See CARRIE E. GARROW & SARAH DEER, *TRIBAL CRIMINAL LAW AND PROCEDURE* 357 (2004).

2. *Id.* at 367.

may allow tribal court judges to impose other conditions such as probation.³

Research suggests that crime and victimization rates involving Native Americans exceeds that of other minority groups across the United States.⁴ However, many tribes lack adequate resources and funding to properly enforce laws and incarcerate offending criminals.⁵ Tribal jails and detention facilities are crowded and budgets are stretched thin. As a result, there is a growing appreciation for developing:

[C]ost-effective sentencing strategies that take into account not just the short term goal of protecting the public by imprisoning people who break the law and threaten the safety of the community, but also the longer term goal of helping offenders avoid future criminal behavior, thereby reducing the number of future victims of crime.⁶

Moreover, community supervision⁷ is a desirable alternative to address the problems of jail overcrowding, enforce interventions to hold offenders accountable, address offenders' substance abuse issues, help change offenders' behavior and protect the public.

Tribal justice systems are ever developing in many tribal communities. Often, only the basic justice personnel are planned for (i.e., judge, prosecutor, court clerk). Community supervision/probation positions are often an afterthought. In fact, many community supervision/probation officer positions in tribes start out as grant-funded positions. For some tribes, if the grant money is not renewed then the position simply fades away, leaving offenders in the community with no systemic supervision. Other tribes attempt to find ways to write the posi-

3. *Id.* at 379-81.

4. See ANDREA WILKINS ET AL., CRIMINAL JUSTICE IN INDIAN COUNTRY: REDUCING CRIME THROUGH STATE-TRIBAL COOPERATION 3 (2008), http://www.ncsl.org/Portals/1/documents/statetribal/CJIC_08.pdf. See also STEVEN W. PERRY, U.S. DEP'T OF JUSTICE, AMERICAN INDIANS AND CRIME: A BJS STATISTICAL PROFILE, 1992-2002 6 (2004), <http://bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf>.

5. See WILKINS ET AL., *supra* note 4, at 3.

6. AM. BAR ASS'N, COMM'N ON EFFECTIVE CRIMINAL SANCTIONS, RECOMMENDATION 103A 4 (2007), available at www.abanet.org/leadership/2007/midyear/docs/journal/hundredthreea.doc [hereinafter ABARECOMMENDATION].

7. In this Article, the term community supervision and probation will be used interchangeably. However, it should be noted that, in general, community supervision can encompass pre-trial release and parole, in addition to probation services.

tion into their new tribal budgets once they see the value and benefit the position provides to the tribal community.

The Bureau of Indian Affairs reports that there are 564 federally recognized tribes currently in the United States⁸ and 226 federally unrecognized tribes.⁹ While it is difficult to get an accurate count of the number of tribal courts (which may or may not include Healing to Wellness Courts, Drug Courts, and other specialized courts), the National Tribal Justice Resource Center Tribal Court Directory reports approximately 330 tribal courts are currently in operation.¹⁰ The most recent information available pertaining to probation in Indian Country from the Bureau of Justice Statistics (BJS) indicates that of the 314 tribes responding to the last census, 70 percent of those operating their own tribal court system indicated they offer probation for adults and 66 percent indicated they offer probation for juveniles.¹¹

What is unclear from the BJS census is how tribal courts defined and carried out the function of probation within their tribes. Probation may be offered as an alternative sentence; it may entail merely paying a fine with little or no other compliance monitoring. The probation function may be unsupervised or be overseen by the tribal court judge, court clerk, or elder in the community rather than being monitored by a designated probation officer, as typically occurs in state/county jurisdictions. While in some instances it is appropriate and useful to assign an offender to unsupervised probation, for community supervision to be used effectively and systematically as an alternative sentence, it is important to have a trained professional monitor offenders' compliance with their imposed conditions.

As in county, state, and federal justice systems, the size of caseloads that tribal probation officers carry varies; however, there are some tribal probation officers that carry caseloads in

8. See Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, 72 Fed. Reg. 13,648, 13,648 (Mar. 22, 2007). See also Bureau of Indian Affairs, U.S. Dep't of Interior, Frequently Asked Questions, <http://www.bia.gov/FAQs/index.htm>.

9. See Mantaka American Indian Council, Unrecognized Tribes, <http://www.manataka.org/page237.html>.

10. See Nat'l Tribal Justice Res. Ctr., Tribal Court Directory, <http://www.ntjrc.org/tribalcourts/tribalcourtdirectory.asp>.

11. See STEVEN W. PERRY, U.S. DEP'T OF JUSTICE, CENSUS OF TRIBAL JUSTICE AGENCIES IN INDIAN COUNTRY, 2002 iii (2005), <http://bjs.ojp.usdoj.gov/content/pub/pdf/ctjaic02.pdf>.

excess of 400 offenders. Considering the role of a probation officer is not only to monitor compliance, but also to assist offenders in accessing services

Community supervision: the conditional release and supervision of offenders in a community setting.

to help them change their behavior, large caseload sizes (in addition to large geographical areas some tribal probation officers are required to supervise) can create barriers to effective supervision. It is also common in tribal justice systems for a probation officer to supervise a dual caseload consisting of both adult and juvenile offenders—which often have very different needs and require the probation officer to have two unique skill sets.

For tribes that do have probation officers, the background and level of training that these individuals receive is quite diverse. Some have degrees and experience in the criminal justice system or a related field, while others may only have a high school degree and/or no formal background or training on criminal or juvenile justice issues. One important factor that cannot be overlooked is the importance of those belonging to the tribe, working for the tribe. While tribal probation officers may come to the position with varying educational, professional, and personal backgrounds, experiences, and training, those who come to the position as a member of the tribe they are serving are able to incorporate the values, beliefs, and teachings of their tribe into their supervision of tribal offenders.¹² Professionalization of the field of tribal probation is an important topic that needs to be explored with a focus on how it can yield greater accountability of offenders and enhance public safety goals in tribal communities, but the value of the cultural and spiritual knowledge and history that tribal probation officers can bring to the field of probation must not be overlooked.

12. See *Culture, Spirituality and Involvement in the Criminal Justice System*, in JOHN POUPART ET AL., AM. INDIAN POLICY CTR., *SEARCHING FOR JUSTICE* (2005), <http://www.airpi.org/research/SearchingforJustice/sjfindcauses/sjfcul.htm>.

What is community supervision?

Community supervision—the conditional release and supervision of offenders¹³ in a community setting—can include the supervision of individuals placed on pre-trial release, diversionary status, probation, and/or parole. Community supervision is sometimes used as an alternative sentence. That is, an adult offender or juvenile delinquent who has been found guilty of or has plead guilty to a crime is released into the community, in lieu of serving jail time, on the condition that they follow and adhere to certain conditions of release (e.g., pay a fine, perform community service work, attend a drug treatment program, submit to random drug tests). If the offender/delinquent violates the conditions of supervision, he or she can be referred back to the court and possibly incur additional penalties and/or serve jail time.

A resolution adopted by the American Bar Association (ABA) in 2007 urges prosecutors and other criminal justice professionals to utilize community supervision for offenders in appropriate cases.¹⁴ It acknowledges that qualifications for eligibility for community supervision will vary among locales; however, it is generally advisable when the offender:

- poses no substantial threat to the community;
- is not charged with a predatory crime, a crime involving substantial violence, a crime involving large scale drug trafficking, or a crime of equivalent gravity;
- has no prior criminal history that makes community supervision an inappropriate sanction; and,
- is not currently on parole or probation, unless the supervising authority specifically consents.¹⁵

At its core, community supervision has myriad (and often overlapping) benefits to communities, offenders, and to tribal justice systems.

13. While individuals under supervision, such as those on pretrial release, are typically referred to as defendants, the word offender will be used throughout this document as a general reference to individuals under supervision—regardless of the point of supervision.

14. See ABA RECOMMENDATION, *supra* note 7, at 1.

15. *Id.*

Benefits to Tribal Justice Systems

One of the most significant benefits of community supervision is that it serves as a viable alternative to jail or other confinement that can result in cost savings for the tribal justice system. The costs associated with operating a jail can be an onerous financial commitment for tribes, and there are sometimes questions as to whether these expenditures provide a level of value to tribal communities which makes the investment worthwhile.¹⁶

Benefits to Tribal Justice Systems

- Provides a viable option to jail or other confinement
- Frees limited space allocated for confining offenders for those offenders who pose the most threat to public safety
- Provides cost-savings to tribes
- Adds credibility to the tribal justice system and to imposed sentences
- Provides judges with pertinent and relevant information about offenders to aid in decision making
- Increases accountability of offenders
- Directs offenders to needed services

Jail crowding, for those tribes that have facilities, is a pressing issue in many tribal communities. In 2004, 13 tribal jail facilities were under a court order or consent decree to limit the number of detainees/inmates they housed and/or maintain certain conditions of confinement such as detaining inmates under humane conditions, not housing juveniles, separating males and females, and limiting detoxification holds to eight hours.¹⁷

Sporadic enforcement of imposed jail terms for offenders in some tribal communities also can present problems for justice authorities. For example, in communities whose facilities are operated by the Bureau of Indian Affairs (BIA), the jail administrators may opt not to follow a tribal judge's ruling or detention orders; thus, the orders could possibly be set aside and the inmate released.

Despite the challenges related to jailing tribal offenders, the reality is that confinement of some individuals—whether in tribal jails, county/state jails or federal institutions—is neces-

16. See Eileen M. Luna-Firebaugh, *Incarcerating Ourselves: Tribal Jails and Corrections*, 83 *PRISON J.* 51, 51-66 (2003), available at <http://tpj.sagepub.com/cgi/reprint/83/1/51.pdf>.

17. See Todd D. Minton, *Jails in Indian Country, 2004* 4 (2006), BUREAU OF JUSTICE STATISTICS BULLETIN, November 2006, at 1 available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/jic04.pdf>.

sary for community protection and public safety. However, not all offenders pose the same level of risk to public safety. Many tribal offenders are sentenced to jail terms simply because there is no alternative available that sends the message to the offender and to the community that something is being done.

Not all offenders are alike—each has a unique set of factors that leads him or her to engage in criminal or delinquent behavior. Yet, many times the justice system attempts to apply a one-size-fits-all approach to sanctions and interventions with offenders and is surprised when the results are not as good as they would like. Community supervision officers can gather information about offenders from a variety of sources (e.g., criminal histories, screening information, various assessment results, interviews with offenders and families and other social networks of support) to make informed judgments about the likely causes of the individual's criminal or delinquent behavior.¹⁸ This information can be provided to tribal court judges in pre-trial release report, a pre-sentence investigation report, or a post-sentencing report, as needed, to modify or update sentencing conditions or address probation violations. These types of reports help judges make decisions about who presents a higher risk of re-offending and needs to be confined to protect the community, who is most suitable for probation, and what types of services and conditions will be most effective at decreasing an offender's propensity to engage in criminal or delinquent behavior.

Community supervision offers tribal justice systems a viable alternative to jail or confinement, provides a credible means for enforcing conditions of release, and helps identify and direct offenders to needed services. Compliance monitoring enhances the credibility of the justice system, improves accountability of offenders, and protects the public safety. Concurrently, secure confinement can be more effectively utilized for those who are a public safety threat.

18. See FAYE S. TAXMAN ET AL., *TOOLS OF THE TRADE: A GUIDE TO INCORPORATING SCIENCE INTO PRACTICE* 8 (2004), available at <http://www.nicic.org/pubs/2004/020095.pdf>.

Benefits to Communities and Victims

Tribal sentencing policy often takes into account the premise that the offender is a member of the tribal family, and therefore, “tribal communities have a great incentive to ensure that tribal defendants receive treatment and/or rehabilitation so they can become well-functioning community members.”¹⁹ Effective commu-

**Benefits to the Community
and Victims**

- Chance for restoration
- Enhanced public safety
- Enhanced credibility and accountability of the tribal justice system

nity supervision practices can facilitate a process toward meeting that goal for tribal communities. In addition to monitoring compliance with sentencing conditions—often viewed as the law enforcement side of probation—the other main goal of probation is to provide assistance to offenders that will help them in changing their attitudes and behaviors. This blended approach is referred to as a behavioral management approach to community supervision. The behavioral management approach to supervision can lead to enhanced public and community safety by using supervision strategies aimed at motivating offenders to change, helping offenders gain skills useful to be a productive contributor to the community, and ensuring compliance with goal-oriented conditions of supervision.²⁰

Through interviews and assessment of an offender’s likelihood to re-offend and factors present in an offender’s life that increase their likelihood to continue to engage in criminal and delinquent behavior, probation officers gather information which they can use to determine and direct services to meet the needs of individual offenders. Prioritizing and targeting services to the individual needs of offenders (e.g., antisocial attitudes, values and beliefs, low self-control, criminal peers, substance abuse, dysfunctional family) has been shown to produce reductions in recidivism, thereby enhancing public safety.²¹

19. GARROW & DEER, *supra* note 1, at 358.

20. See TAXMAN ET AL., *supra* note 20, at 2.

21. See generally CRIME & JUSTICE INST., IMPLEMENTING EVIDENCE-BASED PRACTICE IN COMMUNITY CORRECTIONS: THE PRINCIPLES OF EFFECTIVE INTERVENTIONS (2004), available at <http://www.nationalinstituteofcorrections.gov/Library/019342>.

Allowing the offender to remain in the community also increases the opportunity for him or her to repair the harm—to the extent possible and appropriate given the nature of the offense—caused by his or her actions to victims, families, and/or the community. Reparation can be sought through various means including restitution, targeted community service, individual and family counseling, and sentencing circles or other restorative methods to help mend broken and damaged relationships.

Benefits to Offenders

Community supervision benefits the offender in numerous, potentially life-changing ways. While on community supervision, the offender can participate in services geared to alleviate the precipitators of his/her criminal behavior. Tribal probation officers can: identify and devise a supervision and treatment plan aimed at addressing factors that have been shown to contribute to criminal behavior (e.g., history of antisocial behavior, antisocial personality, antisocial values and attitudes, criminal/deviant peer association, substance abuse, and dysfunctional family relations); help offenders identify and determine how to avoid places, situations and events in their lives that can create or set off certain behaviors at certain times; and provide services to reduce the likelihood that offenders will recidivate.²² For most people (including offenders), change is a process and does not occur overnight. Through effective community supervision practices, probation officers facilitate the change process for offenders “through a series of interactions that provide the [offender] with the opportunity to learn about his/her behavior and patterns, to acquire new skills to address

Benefits to the Offender

- Remain at home
- Maintain connection to the community
- Maintain (or seek) employment
- Access to needed treatment and other resources/services
- Maintain (or encourage) involvement in spiritual and cultural practices

22. See TAXMAN ET AL., *supra* note 20, at 3-4.

problematic issues, and to develop the self-maintenance tools to ensure long-term success.”²³

Being placed in community supervision can open up access to group, family, and individual counseling, alcohol and substance abuse counseling and treatment services, anger management interventions, and programs aimed at strengthening parenting skills (which could have long-ranging, generational benefits), educational and vocational training services, and other programs and services that incarceration simply is not equipped to provide. Returning offenders to the community with unmet treatment needs has been highly correlated with recidivism risk.²⁴ By contrast, these services have the capacity to modify an individual’s behavior and reduce the likelihood of reoffending.

In addition to accessing needed treatment services, offenders placed on community supervision can continue to work and/or seek employment so they can provide for themselves and/or their families and dependents and remain productive members of their community. They also can maintain involvement (or be encouraged to become involved) in spiritual and cultural practices.

How Can Judges Utilize Community Supervision Officers?

Probation officers wear many hats, depending on how their systems operate, how their duties are designed, and what role judges need them to play. One way tribal court judges can utilize community supervision officers is for information gathering. Community supervision officers can be charged with conducting screenings and risk/need assessments and preparing sentencing recommendations (pre-sentence investigation

23. *Id.* at 4.

24. See Thomas H. Williams, *What Works? Evidence-Based Practices in Parole and Probation*, 2007 J. CMTY. CORR. 5, 6, available at http://www.csosa.gov/Olipa/pubs/what_works_evidence_based_practices.pdf. Link appears to be broken for this web address; address is listed in many places but does not get to the article, Also can't find journal.

reports) based on the information collected. Having such information synthesized in a meaningful way allows a judge to make sentencing decisions based on information known to have an influence on risk of recidivism (e.g., prior criminal history, ties to the community/family, employment status, mental health status, etc.). Community supervision officers can gather this information and take this responsibility off the judge and/or court clerk, who are already overburdened with growing caseloads and other administrative duties.

Additionally, probation officers monitor conditions placed on offenders to assure compliance. This increases offender accountability and the credibility of the tribal justice process. In instances where an offender placed on community supervision begins to exhibit signs of noncompliance or is charged with a probation violation, judges can utilize the community supervision officer's unique perspective and knowledge about the offender for additional justification when making revocation decisions. Through their more regular contacts with the offender and his or her family and social net-

Role of a Tribal Probation Officer

The myriad roles of a probation officer revolve around two primary functions—surveillance and services. Need to change citation form. Common tasks associated with these functions include, but are not limited to:

- Assessing the risk and needs and investigate the background of an offender to provide the tribal court judge with relevant and pertinent information about the offender to consider during sentencing.
- Using risk and needs assessment information to identify the level of supervision required of offenders on probation and develop an appropriate case plan.
- Developing a case/supervision plan that outlines the conditions of probation and a plan for services targeted to help promote positive behavior change of offenders and incorporate culturally-focused interventions when available.
- Monitoring the activities and behavior of the offender using both evidenced-based strategies and tribal-based resources such as elders.
- When appropriate, providing access to services to help bring about positive behavioral changes in offenders (e.g., restorative justice programs, substance abuse assessment, substance abuse treatment, mental health counseling, job readiness development, involvement in spiritual or cultural activities).
- Applying graduated sanctions (e.g., more frequent reports to the probation officer, more frequent drug tests, probation violation report, recommendation for revocation) to respond to noncompliant behavior.
- Providing appropriate rewards or incentives (e.g., travel permits, early termination from probation, decreased frequency of drug tests) to respond to compliant behavior.

works of support, as well as through the results of subsequent re-assessments, community supervision officers often have helpful insight into what may have prompted the offender to relapse or violate. For example, in some instances, the community supervision officer can inform the judge about extenuating circumstances surrounding the situation. In other cases, the supervision officer may be able to point out and demonstrate willful noncompliance with certain conditions of supervision.

Another way tribal court judges can utilize community supervision officers is in the rallying of community resources to address offenders' criminogenic issues. Through their understanding of offenders' needs (e.g., drugs, alcohol, housing, mental health) in the community, tribal probation officers can provide information to tribal court judges that can aid them in making more informed decisions about the use of existing and the development of new resources and services for tribal court offenders.

In addition, community supervision, by its very nature, relies on the provision of offender services by a multitude of community-based agencies. Judges often do not have the time to assess community resources to identify available services and form alliances for services; community supervision officers have the capacity to do so. For tribal judges, this task is often magnified by a lack of resources and services available on tribal land, the travel distance to available non-tribal resources, and/or lack of Memorandums of Understanding/Memorandums of Agreement (MOU's/MOA's) with neighboring county/state agencies to provide needed services. Additionally, many tribes are inhibited by their reliance on contracts with federal agencies, such as Indian Health Services, to be the sole provider of services. Nonetheless, it is essential for tribal judges to assist in identifying varying services available to offenders that address criminogenic needs to increase the sentencing options available to judges and provide a richer menu of options to ensure offenders are receiving interventions based on their individual risk and needs.

In addition, having a community supervision system in place within the tribal justice system will ideally increase the capacity of tribes to implement mandates under the Adam

Walsh Child Protection and Child Safety Act of 2006.²⁵ Because sex offenders are considered a dangerous offender population and their crimes have an impact on their victims for a lifetime, constant and close supervision is essential. When tribal probation officers are provided with the appropriate training, tools, and resources they can assist tribal courts in monitoring community notification, offender registration, residence, and GPS requirements, as well as provide the court with notices of violations when necessary.

How Can a Tribal Court Judge Support Community Supervision of Offenders?

There are many ways in which a tribal judge can support community supervision practices. First, tribal court judges can

Ways Tribal Court Judges Can Support Community Supervision

- Educate yourself about what probation officers do and about evidence-based practices of community supervision.
- Consider ways to implement and utilize community supervision services more effectively
- Provide necessary judicial backing and support probation officers need when working with offenders and monitoring and enforcing conditions
- Professionalize the position of probation officers
- Provide opportunities for training, continuing education, and professional development of probation officers
- Review current tribal code and advocate for changes that will enhance community supervision services and practices
- Provide adequate tools and resources to enable probation officers to implement supervision practices shown to be more effective
- Plan for prolonged sustainability of the position

gain a better understanding of and appreciation for what probation officers can do so they can utilize tribal probation officers to their fullest potential.

Tribal court judges also can provide needed judicial backing and support for probation officers to enforce and monitor conditions of supervision and work with offenders on changing their behavior. Judges

25. Pub. L. No. 109-248, 120 Stat. 587 (2006). The Act is a mandatory sex offender registry in which federal, state, local, and tribal jurisdictions must collect, update, and share information (such as social security number, place of employment/education, address(es), photographs, demographics, vehicle registrations, license plates, and other information) of convicted sex offenders released into the community. *See id.* § 114.

have the ultimate authority, in most cases, to decide what sanction is imposed on each offender before the court. If community supervision is granted, the judge determines how long the probation will last, how much will be paid in fines, restitution, and supervision fees, and assigns any special supervision conditions he/she deems necessary to steer an offender toward rehabilitation (e.g. drug testing, counseling, home visits, etc.). If a probationer breaks a condition of supervision, the judge has the authority to revoke community supervision and require the offender to serve the original sentence imposed by the court or to impose more severe sanctions while remaining under community supervision.

Tribal court judges can also provide credibility to the community supervision process and the position of probation officer by working to professionalize the position in the eyes of the court and the community. This can be done by creating an official job description which outlines duties, responsibilities, and expectations of those in the community supervision/probation position; conducting personnel performance reviews and evaluations; ensuring that the community supervision/probation officer receives adequate initial training and continuing education so they are knowledgeable about current evidence-based practices for working with tribal offenders;²⁶ and preparing for the continuation of the position by advocating its adoption into the tribe's annual budget and eliminating the dependence on grant funding for prolonged sustainability.

Community supervision/probation officers need many tools in their toolbox to provide good, effective supervision to a diverse population of offenders. Comprehensive and ongoing training to improve knowledge of offender issues and enhance job skills is certainly critical; however, tribal court judges can assist community supervision/probation officer in gaining access to other needed resources as well. For example, tribal court judges can work to ensure that, under their watch, probation officers have access to the needed assessment instruments (screening, risk/need, specialized, and strength-based) as well

26. The American Probation and Parole Association website provides information on training opportunities and resources on effective community supervision practices. www.appa-net.org.

as have the latitude to individualize supervision/treatment plans according to the results of those assessments. Additional tools and resources that may benefit some community supervision/probation officers include access to training and appropriate and proper safety equipment to protect officer safety (e.g., bullet-proof vests, less than-lethal weapons, etc.), drug and/or alcohol testing supplies, electronic supervision tools, reliable transportation, and back-up assistance from law enforcement officers when needed to conduct safe search and seizures.

Tribal court judges also can be instrumental in conducting a review of current tribal codes to ensure that they support good probation practice and, when necessary, advocate for modifications to the code. For example, proactive supervision practices require probation officers to supervise offenders beyond the boundaries of their offices by stepping out into the community and visiting with offenders in their homes, at their workplaces, and in other community settings. Tribal court judges can work with tribal leaders, when necessary, to establish policies and procedures that allow supervision officers to conduct home and employment visits to aid in monitoring and enforcement activities.

Conclusion

Tribal court judges have an important role to play in developing and sustaining effective community supervision programs in their communities. Tribal justice systems are not new; they existed long before federal, state, and county systems, but they are being asked to address new challenges and taking on new forms and dimensions within which community supervision/probation can play a vital role. The key is for tribal court judges to recognize and have a full understanding of how implementation and utilization of effective community supervision practices can benefit their system and their community and use these services to their fullest potential.

Tribal court judges are in a unique position to effect changes within systems not currently utilizing community supervision/probation strategies. They often times oversee the tribal justice system and are able to take the steps necessary to either initiate the use of community supervision/probation or

enhance what currently exists to make it a more valuable justice resource. Jail crowding is a nationwide justice issue, and is often exacerbated in Indian Country; probation offers a cost-effective and community oriented approach for the release of low-risk offenders back into the community where they can maintain family and community connections, receive treatment interventions, and repair the harm they have caused the tribal community. With the assistance and support of tribal court judges, offender supervision in Indian Country can mesh evidence-based practices for community supervision with traditional tribal-specific interventions and practices.