

# Why Correctional Options Make Sense for Indian Country

The American Probation & Parole Association

Winter Training Institute  
Orlando, FL  
February 28, 2011

**Presented by:**

Kimberly Cobb



## Training/Learning Objectives:

- How correctional options can enhance justice system response to crime in Indian Country
- Challenges faced by tribal justice agencies
- How correctional options promote philosophies of tribal culture
- How APPA is working with tribal communities



## What are Correctional Options?

- Provide a middle ground
- Correctional options allow a judge to sentence someone to a community-based program all while remaining under strict supervision.
- The court still has the option of imposing incarceration as a sentence



## Types of Correctional Options

- |   |                                   |
|---|-----------------------------------|
| ○ Programs utilizing Restorative Justice Principles | ○ Peacemaking Courts              |
| ○ Community Service Programs                        | ○ Halfway Houses                  |
| ○ Day Reporting Centers                             | ○ Intermittent Sentences          |
| ○ Healing to Wellness/Drug Courts                   | ○ Shock Incarceration/Probation   |
| ○ Electronic Monitoring                             | ○ Intensive Probation Supervision |
| ○ Forfeiture Programs                               | ○ Substance Abuse Treatment       |
| ○ Home Detention                                    |                                   |
| ○ Work/School Release Programs                      |                                   |
| ○ Mediation/Dispute Resolution                      |                                   |



## Correctional Options



Why should  
tribes be interested  
in correctional options?



## Detention facilities in Indian Country

565 → 82

483 tribes without detention facility

36 of the 82 existing facilities are over-capacity

High-percentage of detention facilities are understaffed



## Who is in Tribal facilities?

- 99% of all crimes in Indian Country in the Southwest is attributable to alcohol/substance abuse
- 4 in 10 tribal offenders were held in local jails for alcohol related non-violent offense(s)
- In 2002 more than 57% were jailed due to technical violation(s)





## Correctional Options....

Supports tribal philosophy of allowing offenders to repair the harm to their community by remaining in the community



## Correctional Challenges in Tribal Jurisdictions

- Mix of violent and non-violent offenders
- Limitations in sentencing
- Limited programs, services, and resources for inmates and offenders





## FUNDING

under the  
Construction of Facilities  
on Tribal Lands (CFTL)  
project



- In 2009, CFTL awarded monies for the Construction Multi-Purpose Justice Centers:
  - Native Village of Kwinhagak, Alaska - \$1.3 million
  - Pascua Yaqui Tribe, Arizona - \$20.8 million
  - Navajo Nation Tuba City, Arizona - \$38.5 million
  - Tule River Tribal Council, California - \$3.0 million
  - Chippewa Cree Tribe, Montana - \$12.3 million
  - Puyallup Tribe of Indians, Washington - \$7.9 million
  - Eastern Band Cherokee Indians, North Carolina - \$18.0 million
  - Shoshone-Bannock Tribes, Idaho - \$3.5 million
  - Nisqually Tribe, Washington - \$10.7 million

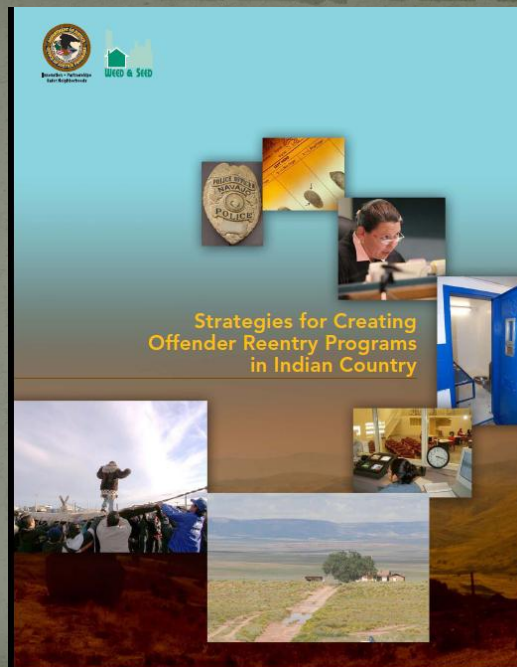
**\$116 Million**



## Tribal Correctional Options

- Peacemaking circles
- Sweat Lodges
- Smudging Ceremonies

All focused on changing behavior through introspection, meditation, healing and personal accountability





## Muscogee (Creek) Nation Reintegration Program

- Short-term:
  - Parole and court advocacy
  - Reentry classes
  - Clothing, food, & employment referrals
- Long-term:
  - Mental health & SAB referrals
  - Resources for educational opportunities
  - Assistance with temporary and long-term housing



## Keweenaw Bay Indian Community

- Housing program with the U.S. Department of Housing and Urban Development (HUD)
  - Supportive and transitional housing for individuals coming out of secure facilities or treatment centers
  - Works because the tribal community has embraced it
  - Works with mental health programs, drug treatment programs, tribal/local courts, police, etc.
  - Each client is monitored through an Individual Service Plan (ISP) which tracks progress on job searches, money management, and transition to self-sufficiency





## Penobscot Tribal Court/Bangor Court

- Changing Lives through Literature Program
  - Seawolf by Jack London
  - Of Mice and Men by John Steinbeck
  - Sula by Toni Morrison
- Results:
  - 18% of program participants charged with new crime
  - 45% of comparison group charged with new crime

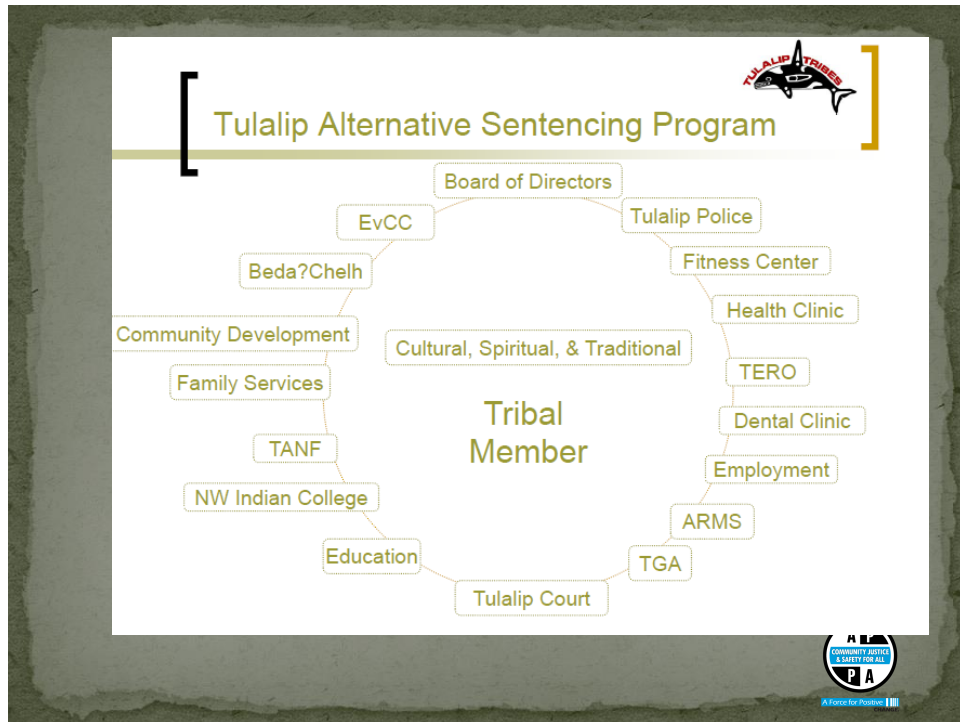


*"To pull that canoe, you have to  
pull together"*



## Tulalip Alternative sentencing program

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## Tulalip Alternative Sentencing Program

- Focused on:
  - Mental
  - Physical
  - Spiritual
- Stipulated all parties' to a case met regularly
- Uses GPS to monitor offenders
- Required to actively participate in self-improvement programs



## Components

- Drug/Alcohol TX
- Moral Reconciliation Therapy\*
- Mental/medical/dental services
- Community services
- Random/frequent drug/alcohol screens
- Elder's meeting
- Education training/GED
- Job search support
  - transportation & driver's license
- Family Support Services
  - Family reunification & DV
- Life Skills
- Healthy Living
- Parenting skills
- Anger/stress mgt.
- Regular team meetings



## Results

- Decrease of 25% in new criminal case filings
- Decrease in recidivism by 25% over the last two years (2004-2006)





## Goal of the Project:

To improve the capacity of tribal jurisdictions in developing effective correctional options as part of their reentry initiatives.



## TA Application Process

- Brief TA application *(now available on the APPA website)*
- Application review
- Phone inquiry to further discuss TA needs
- Facilitate the deliverance of TA to meet individuals needs



# Technical Assistance Bulletin

To highlight “lessons learned” through this process



Probation and Parole Association - Windows Internet Explorer

http://www.appa-net.org/

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Probation and Parole Association

## American Probation and Parole Association

1975 35th ANNIVERSARY 2010

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your information Kim Cobb  
kcobb@csg.org  
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or first time logging in?

FEATURES

Winter Training Institute Orlando  
February 27 - March 2, 2011

RESOURCE SPOTLIGHT

FREE online training for Pretrial and Probation Personnel

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ANNOUNCEMENTS

Reserve Lodging Now for the 2011 Winter Training Institute in Orlando!

CSG Justice Center Releases Reentry Programs Database

Now Available - Tribal Probation: An Overview for Tribal Court Judges

APPA Passes Resolution on Offender Accountability for Victim Restitution

APPA and Century Council Release Guide on Drunk Driving Supervision

Interstate Transition Rule for Juveniles has been extended

ACTIONS

1. Call for Papers for Perspectives
2. Call for Presenters: Chicago
3. Call for Awards Nomination
4. Request for corrections imagery
5. Reserve Exhibit Booth: Orlando

UPCOMING APPA TRAINING

Nov 10: Preventing and Addressing Sexual Abuse in Tribal Detention Facilities | Fort McDowell

Feb 27-March 2: 2011 Winter Training Institute | Orlando, FL

Upcoming: APPA/NCTI Certification Training Schedule

COMMUNITY CORRECTIONS BUYERS' GUIDE

The More You Give! Click Here to Give for APPA

APPA WEBSITES

- CC Marketing Strategies
- Domestic Violence
- PPCS Week Kit
- Project Safe Neighborhoods

projects - Windows-Internet Explorer

http://www.apa-net.org/eweb/DynamicPage.aspx?webcode=TV\_ProjectDetails&ps\_jay=ec3cc1c-69f0-4d8f-a85c-e539b385cd30

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projects

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PROJECTS  
Overview  
Current Projects  
Past Projects

### Project

#### Tribal Correctional Options Technical Assistance Project

Contracting Agency: Bureau of Justice Assistance  
Contracting Period: 10/01/2009 - 09/30/2011

Growing prison populations, mandated capacity limits on institutions, and tight budgets compel the development and utilization of innovative strategies for handling tribal offenders in ways that rehabilitate while ensuring public safety (Diggs, 2003). Because of these correctional challenges, recent focus has turned to the utilization of correctional options (such as day treatment centers, probation services, home detention, halfway houses); however, since many tribal justice systems are relatively new, little training and technical assistance has been afforded to tribal justice agencies on how to develop and implement these programs in their jurisdiction.

The Bureau of Justice Assistance, U.S. Department of Justice has awarded funds to the American Probation and Parole Association/Council of State Governments (APPA/CSG) to improve the capacity of tribal jurisdictions in developing effective correctional options as part of their reentry initiatives. Through this 24-month project, CSG/APPA will develop a technical assistance application and needs assessment instrument to assist tribes in identifying and defining their technical assistance needs more effectively and provide onsite technical assistance to up to 20 tribes on the development and implementation of effective correctional options. Additionally through this project, CSG/APPA will provide limited technical assistance to tribal jurisdictions on a variety of issues pertaining to the utilization and/or implementation of correctional options in their communities. To accomplish these goals, CSG/APPA will assemble a cadre of consultants with expertise and experience in correctional programming options and tribal issues. We also will disseminate information through the development and publication of an article and a technical assistance bulletin, and the delivery of workshop presentations.

[Tribal Correctional Options Technical Assistance Request Form](#)

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## Resources for Tribal Justice Agencies

Probation Assessment Tools &  
Related Resources for Tribal  
Probation Personnel



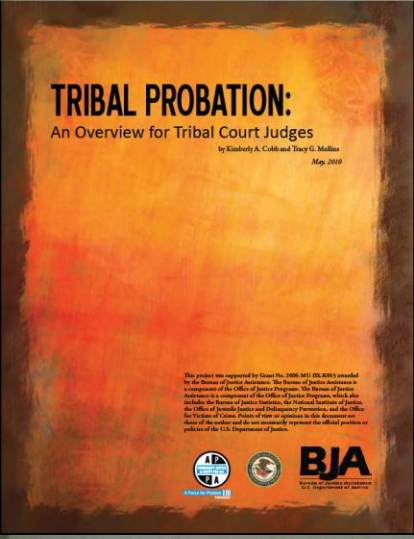
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Intermediate Training on  
Effective Case Management  
Practices for Tribal Probation  
Personnel

Tribal Correctional Options  
Training & Technical Assistance  
Project

PREA in Indian Country Training





**TRIBAL PROBATION:**  
An Overview for Tribal Court Judges  
by Kimberly A. Cobb and Tracy G. Mullins  
May 2010

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**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

**AP**  
COMMUNITY JUSTICE  
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Available **FREE** at:  
<http://www.appa-net.org/eweb/docs/appa/pubs/TPOTCJ.pdf>

Article in a special tribal edition of the *Journal of Court Innovation*



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