Tribal State Cooperation for Parole/Probation Supervision

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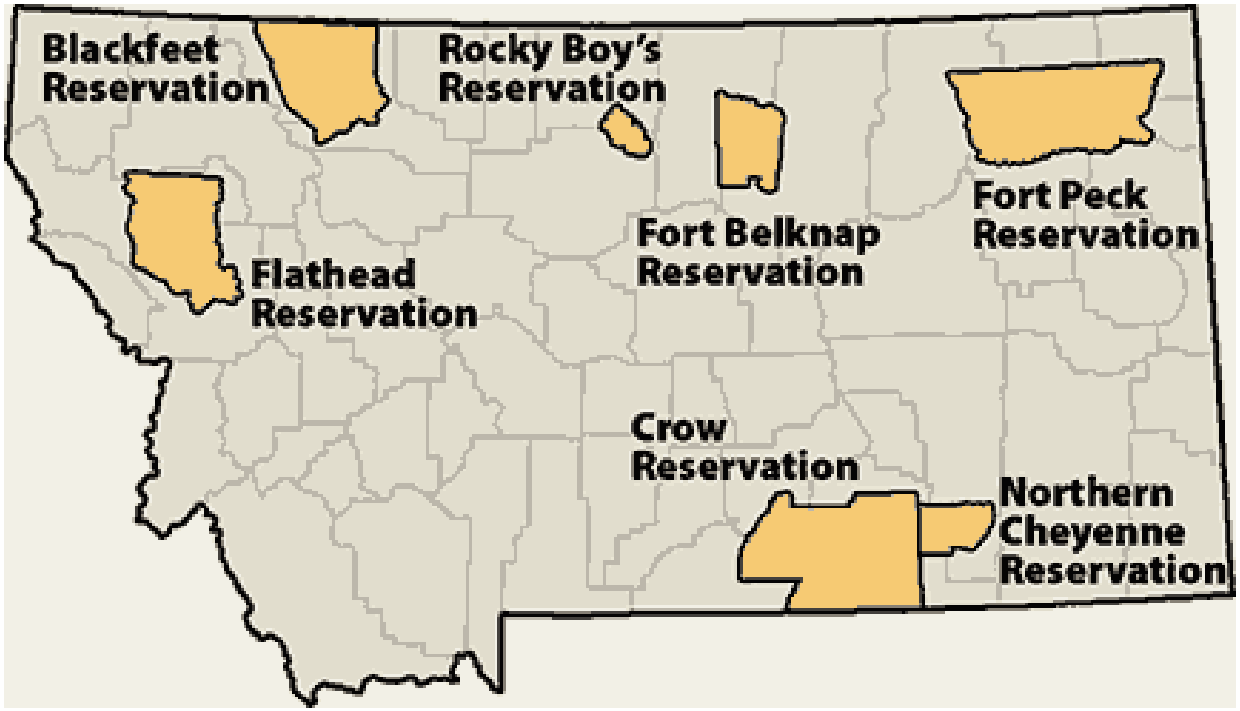
Indian Reservations in Montana



Montana Tribes

- 11 federally recognized Tribes
  - Blackfeet –
  - Crow
  - Northern Cheyenne
  - Gros Ventre and Assiniboine of Fort Belknap
  - Assiniboine and Sioux of Fort Peck
  - Salish and Kootenai of Flathead Reservation
  - Chippewa Cree of Rocky Boy’s Reservation
  - Little Shell (State Recognized)

Montana’s Indian Population

- 54,000 enrolled Tribal members;
- 6.4% of total Montana population;
- 8 million acres of Tribal lands
- 8.6 % of total Montana landbase

Tribal Jurisdiction

- Tribal governments are separate sovereigns from the State;
- Six Tribal governments have exclusive criminal misdemeanor and civil jurisdiction within Reservation boundaries – federal courts have jurisdiction over major crimes
- CSKT has exclusive misdemeanor jurisdiction but concurrent jurisdiction with the State over felony crimes

State Indian Inmate Population

- American Indians comprise approximately 22% of Montana's incarcerated population – 2010 Census data;
- All crimes committed off-reservations within State jurisdiction;
- Assumption that Montana Indian population faces challenges to comply with probation/parole requirements

Probation/Release Challenges

- Consistent contact with Probation Officer – often reservations are a great distance from State probation officers;
- Financial burden of obtaining any required Chemical Dependency Assessments; Treatment; Mental Health Evaluations;
- Desire of Tribal members to return to reservation communities.

Options for Tribal/State Coordination to Reduce Recidivism

- Tribal/State Cooperative Agreements to utilize reservation based services to satisfy State probation requirements;
- Tribal services to provide probation monitoring;
- Acceptance of Reservation based evaluations, treatment, urinalysis;
- Re-entry efforts to focus on reservation community.

Reservation Based Services

- All enrolled members of federally recognized Tribes entitled to receive services from the Tribal Government – generally programs and services are funded by the federal Government.
- All Montana Reservations have Tribal Courts which offer probation/parole supervision;
- All Montana Reservations offer various types of medical care through the Indian Health Service.

Reservation Based Services

- Crow Tribe
- Out patient treatment on Reservation, contracted in-patient treatment
- Psychological evaluations
- Relapse Prevention
- Prevention Education
- Adult and Juvenile Probation Services including local urinalysis testing

Fort Peck Tribes

- Tribal Court Probation/Parole Program
- Tribal Wellness Court (Specialty Court)
- Spotted Bull Recovery Program: in-patient and outpatient chemical dependency evaluations, treatment, contracted intensive outpatient treatment, relapse prevention
- Mobile drug testing, urinalysis services

Blackfeet Tribe

- Tribal Court Probation/Parole Services
- Crystal Creek Treatment Center for in-patient and outpatient services, evaluations, relapse prevention
- Local urinalysis, drug testing
- Currently seeking funding for specialty courts – wellness court

Prospective Process

- Tribe/State Cooperative Agreement
  - Identify services to refer to Tribe/Tribal Programs;
  - Identify which State offenses would be appropriate for referral;
- Address funding issues – prospective increase in reservation caseload may create funding challenges; State could experience some savings with transfer of supervision to Tribes.