
Building Capacity for Tribal Justice Solutions

A Portrait of Assessments and Technology in Tribal Courts

By Lama Hassoun Ayoub, Adelle Fontanet, Suvi Hynynen Lambson, Noel Altaha, Desiree Fox, Ann Miller, Alisha Morrison, and Lina Villegas

Building Capacity for Tribal Justice Solutions: A Portrait of Assessments and Technology in Tribal Courts

By Lama Hassoun Ayoub, Adelle Fontanet, Suvi Hynynen Lambson, Noel Altaha, Desiree Fox, Ann Miller, Alisha Morrison, and Lina Villegas

© March 2021

Center for Court Innovation
520 Eighth Avenue, 18th Floor
New York, New York 10018
646.386.3100 fax 212.397.0985
www.courtinnovation.org

Acknowledgements

We are first and foremost grateful to the many tribal justice practitioners and community members who, over the years, have highlighted the need for understanding the use, strengths, and challenges of risk-need assessments, data collection and management, and technology in tribal court and justice contexts.

We are also grateful to the dozens of tribal justice practitioners who completed the survey across the country, and to all those who helped spread the word and recruit others. We have collectively gained knowledge from this survey and appreciate every person who completed or shared it.

At the Center for Court Innovation, thanks to Sarah Picard and Shubha Bala for reviewing draft survey questions, this report, and sharing their expertise in risk-need assessment and technology. Thanks to Sheila McCarthy and David Lucas in the technical assistance department who provided insight from their expertise on teleservices. Thanks to Aaron Arnold, Amanda Cissner, and Rachel Swaner for reviewing earlier versions of this report. Thanks to Precious Benally who helped lay the groundwork for this work at the Center.

This project was funded by a grant from the National Institute of Justice (Grant # 2018-75-CX-0012). We are grateful for our grant managers and staff at NIJ, including Angela Moore Parmley, Christine Crossland, and Patricia Kashtan for their support of this project.

This project was supported by Award No. 2018-75-CX-0012, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect those of the Department of Justice.

For correspondence, please contact the principal investigators, Lama Hassoun Ayoub, Senior Fellow (ayoub1@courtinnovation.org) or Adelle Fontanet, Director of Tribal Justice Exchange (fontaneta@courtinnovation.org).

Table of Contents

Acknowledgements	i
Chapter 1.	
Introduction	3
Project Background	3
Tribal-Research Partnership	5
Chapter 2.	
Survey Methods and Results	12
Methods	12
Results	16
Chapter 3.	
Discussion and Recommendations	27
Recommendations	28
References	31
Appendices	32
Appendix A. Positionality Statements	32
Appendix B. Survey Instrument	36

Chapter 1

Introduction

Decisions about what to do with people coming through the criminal court system can have long-lasting impacts on those individuals' well-being and public safety more broadly. Will putting them in jail make things better or worse? Will offering them services help address some of the underlying issues that brought them to court in the first place? Given the complexity of these decisions, criminal justice practitioners have increasingly relied on risk assessments to help them systematically make these determinations. But assessments used in one context do not always translate well to other contexts. In particular, tribal courts—courts operated by Indian tribes under laws and procedures that the Tribe has enacted (Jones, 2000)—have found these assessments lacking and not always appropriate for their unique context and population.

Because of this, there has been a desire among tribal practitioners to develop their own risk assessment tools or ensure appropriate validation of existing tools within their tribal contexts or with tribal populations. This report summarizes the first steps that the Center for Court Innovation and the Tribal Defenders of the Confederated Salish and Kootenai Tribes have taken to build knowledge and lay the groundwork for advancing risk-need assessment, data management, and technological capacity in tribal courts.

Chapter 1 introduces the need for a tribal-specific assessment and provides a detailed description of the tribal-researcher partnership that was created to deepen our collective understanding around these neglected topics and building the capacities needed to embark on future projects, including validation of new or existing risk-need assessments. Chapter 2 summarizes the findings from a survey of tribal courts intended to understand existing assessment practices and technology needs--key information that would help serve as the foundation for any future work on this subject. Chapter 3 concludes with recommendations for next steps for the development, validation, and implementation of an appropriate risk assessment tool to be used in tribal courts.

Project Background

Relying on evidence-based measurement of risk of recidivism, the Risk-Need-Responsivity (RNR) model is perhaps the most influential model guiding the assessment and treatment of

individuals involved in the justice system (Picard-Fritsche et al., 2017; Casey et al., 2014). The use of risk-need assessment, technology, and data-driven practices has grown remarkably in criminal justice systems across the country over the past few decades. Coupled with evidence-based principles, data-driven actuarial tools and sophisticated data management and technology are increasingly used by jurisdictions—particularly in courts—to streamline justice system responses to crime, identify and appropriately respond to underlying criminogenic needs, provide meaningful evidence-based interventions, and ensure public safety while reducing recidivism.

Though there have been many advances in the use of court-based tools over the last few decades, these advances have not benefitted most tribal jurisdictions to the same extent they have benefitted others. While there have been more than 60 risk tools developed in the United States (Picard-Fritsche et al., 2017), there are very few, if any, tools that have been developed and validated for use with American Indian and Alaskan Native (AI/AN) populations and almost none that have been examined specifically within tribal courts.¹ This omission is problematic—an assessment tool that has been validated with one population may not work as accurately with a different population. Specifically, studies have found that many risk-need instruments tend to inaccurately categorize the risk levels of Native Americans and do not incorporate potentially relevant and protective cultural factors and approaches (Fox, 2019).

The few tools that have been studied with AI/AN populations typically examine those individuals identified as AI/AN within the U.S. federal or state justice systems, comparing them with white or other racial groups for predictive validity in those specific contexts (Villegas et al., 2021). Holsinger and colleagues (2006) published the most cited study in the U.S. on the topic of risk assessments and Native Americans. They validated one of the most widely used risk-need assessment tools, the LSI-R², with a seventeen-month follow-up period, in a Midwestern state in a sample that included both Native American (35%) and white (65%) individuals. The tool had predictive validity for White men in the sample, but poor discrimination for other groups, including White women, Native American men, and

¹ There is one example of a tool developed by the Confederated Salish and Kootenai Tribe for use as a reentry tool with the tribal court; one of the authors of that tool was a partner on this project and full validation of the tool is pending. Other tools developed by tribes may also exist or may be under study in tribal court settings at the time of writing this report.

² The Level of Service Inventory (LSI), in its different versions - LSI-R, LS/CMI, YLS/CMI - is the most extensively studied and validated tool in North American general justice-involved populations.

Native American women. Additionally, this study was conducted in the U.S. justice system and not in a tribal court or tribal justice system context. Those Native American individuals may be inherently different than the ones seen by tribal justice systems (and some will likely be engaged in both systems).³

Additionally, while state and federal jurisdictions are relying more on management information systems to improve coordination among justice system agencies and standardize data collection, many tribal courts lack access to similar technological solutions, which can be prohibitively expensive to implement. Therefore, we also sought to gain information about the use of management information systems and other technologies in tribal jurisdictions and to identify resources needed to improve technological and data capacity and cross-agency communication.

To carry out this project, the Center for Court Innovation and partners at the Confederated Salish and Kootenai Tribes obtained funding from the National Institute of Justice (NIJ) with the intent to build tribal-researcher capacity and establish the foundational understanding necessary to develop, pilot, and validate a risk-needs assessment—and potentially other tools—for use in tribal courts.

Tribal-Research Partnership

This project drew on a unique research-practitioner team, bringing together staff members with different areas of expertise across the Center for Court Innovation (hereafter, the Center) with partners from the public defender’s office of the Confederated Salish and Kootenai Tribes. At the Center, researchers from within the Policy and Research Department worked collaboratively with experts on tribal justice systems from the Center’s Tribal Justice Exchange (within the technical assistance department). We also consulted with the Center’s technology department and with drug court and teleservices technical assistance teams. Individuals from each of these departments collaborated on the design, implementation, and analysis of a tribal justice tools and technology survey. This partnership brought together individuals with experience working in tribal justice systems, providing technical assistance to tribal jurisdictions, developing and implementing technology for justice systems, and conducting research on risk-need assessments and/or in tribal contexts. The remainder of this

³ It is possible that validation studies of existing tools with AI/AN individuals or in tribal justice settings are ongoing at the time this report was written.

chapter is dedicated to describing the individuals involved in the project, the departments, and the benefits of the partnership.

Project Partners

Each of the individuals who participated in this researcher-practitioner partnership joined because of their experience conducting research, developing justice system technologies, or working with tribal justice systems. Positionality statements for the core team members can be found in Appendix A.

Center for Court Innovation The Center works to create a more effective and humane justice system by performing original research and helping launch reforms around the world.

Research Department The Center’s research department is staffed by more than 30 social scientists and policy experts with extensive methodological expertise and a broad scope of knowledge across diverse research areas, including educational and justice systems and community-based research. While originally founded in 1996 with a focus on “what works” in court-based settings, the department has conducted a growing number of multi-method, multi-site evaluations of community intervention and diversion programs, and research to promote new thinking about how the justice system can respond more effectively to difficult problems like risk-need assessment, drug addiction, mental illness, juvenile delinquency, school violence, and domestic violence. The researchers on this project were Lama Hassoun Ayoub, Suvi Hynynen Lambson, and Lina Villegas.

- **Lama Hassoun Ayoub** served as co-Principal Investigator. She has extensive experience in criminal justice research and evaluation, including large multi-site studies. She has worked closely with tribes in the context of the NIJ-funded Defending Childhood Demonstration Program evaluation, which involved the Rosebud Sioux and the Chippewa Cree at Rocky Boy’s Reservation. Ms. Hassoun Ayoub led the evaluation of Rocky Boy’s Children Exposed to Violence Project and assisted with the study of Rosebud’s Defending Childhood Initiative. She is currently co-leading a Bureau of Justice Assistance-funded study to develop a novel risk-need assessment for tribal courts.
- **Suvi Hynynen Lambson** is a principal research associate at the Center who led the development of the survey instrument and analysis of the findings.

Ms. Hynynen Lambson has extensive previous experience designing surveys for court practitioners, community members, and justice-involved individuals on topics such as procedural justice, case processing, court structure, gun violence, and domestic violence. She has analyzed the resultant data and reported findings back to participating communities.

- This project also received significant support from **Lina Villegas**, a research associate with the Center who assisted with survey recruitment, monitoring, and interpretation of survey results. Ms. Villegas has experience working in the design and implementation of risk-need assessments for youth courts in Guatemala. She is currently contributing to the development of a Risk-Need-Responsivity tool specifically for tribal courts.

The Tribal Justice Exchange The Center's Tribal Justice Exchange provides technical assistance for tribal justice systems and promotes tribal-state collaboration. Since 2008, Tribal Justice Exchange staff have conducted over 60 technical assistance site visits to tribes in 27 states, working with tribes to implement alternatives to incarceration, problem-solving courts, youth engagement initiatives, truancy reduction strategies, and more. The Center approaches its work with American Indian and Alaska Native tribes in a spirit of respect and mutual learning. The Center's Tribal Justice Exchange recognizes that the western, adversarial justice system is not traditional for tribal communities and that approaches that work in state justice systems may not fit the needs of tribes. For these reasons, the Center works with tribes to adapt practices to meet their unique circumstances and to incorporate traditional practices and values into tribal justice systems. Adelle Fontanet, Noel Altaha, and Alisha Morrison were the primary team members from the Tribal Justice Exchange.

- Serving as co-Principal Investigator, **Adelle Fontanet**, is the director of the Center's Tribal Justice Exchange. Ms. Fontanet has provided technical assistance to more than twenty tribal jurisdictions to help conduct justice system needs assessments; support the development of justice system strategic plans; and design and implement alternative to incarceration programming, restorative justice practices, and diversion and deflection strategies.
- **Alisha Morrison** is a senior program manager with the Tribal Justice Exchange and contributed largely to survey implementation and analysis. Ms. Morrison has worked with several tribal courts to assist with conducting needs assessments, developing

strategic plans, and implementing problem-solving practices. She has also worked on alternative to incarceration initiatives with the Pascua Yaqui Tribe and is currently helping to develop a risk-need assessment specifically for the Native American population as well as materials designed to help Native child victims and witnesses navigate the justice system. She is an enrolled member of the Rosebud Sioux Tribe.

- **Noel Altaha** is a senior program manager with the Center’s Tribal Justice Exchange and provided extensive support to this project. Ms. Altaha has assisted in the development of Child Witness Protection Materials Project for Native American and Alaskan Native children and youth testifying in tribal, state, and/or federal courts. She has also provided support in the development of the risk-need assessment tool for tribal courts. Ms. Altaha is an enrolled member of the White Mountain Apache Tribe.

Key Consultants with Other Center Staff Our team also consulted with several Center experts in other departments. **Sarah Picard**, Director of Research-Practice Strategies, served as a senior advisor to this project; she has extensive experience studying the use of actuarial risk assessment tools in court settings and has recently completed a study modeling the potential impact of risk assessment on pretrial racial disparities. Her recent work focuses on policy-level reform in the adult criminal justice context and how research evidence can best be translated into practice. **Shubha Bala**, the Center’s Director of Technology, participated in the development and analysis of survey components that focused on court-based technologies. They are responsible for identifying, implementing, and evaluating technology that helps Center programs and their clients, as well as consulting with other organizations and jurisdictions about the effective use of technology towards justice reform. In addition to their work in nonprofit technology, they are an expert in a range of technologies used in the justice system, especially technologies that can reduce the use of jail.

Tribal Defenders Office, Confederated Salish and Kootenai Tribes (CSKT)

Representatives from the Tribal Defender’s Office of the Confederated Salish and Kootenai Tribes (hereafter, the Tribal Defenders) served as a second lead project partner. The mission of the Tribal Defenders office is to provide quality legal representation to Indian criminal defendants in the prosecution of criminal cases within the courts of the tribal justice system. The office provides legal representation to enrolled members of any federally recognized tribe who are defendants in tribal court, as well as juvenile defendants in tribal court who are eligible for enrollment or who are first-generation descendants of any federally recognized tribe. The Tribal Defenders also provide, on a case-by-case basis, legal

representation to CSKT members in civil disputes and provide support to those who want to initiate uncontested actions on their own in tribal court. The primary tribal partners were Ann M. Miller and Desiree Pierre Fox, who worked on this project as representatives of the Confederated Salish and Kootenai Tribes on the Flathead Reservation in Montana.

- **Ann M. Miller** (partnering consultant) has been an attorney with the Tribal Defenders for more than twenty-five years and the managing attorney for fifteen years. During her tenure, the Tribal Defenders implemented an innovative in-house service for clients with co-occurring mental health and substance use disorders and adopted a holistic defense practice with assistance from the Center for Holistic Defense at the Bronx Defenders Office in New York. In 2015, the Tribal Defenders created the Flathead Reservation Reentry Program to provide interdisciplinary, supportive services for tribal members returning to the reservation from incarceration. Ms. Miller served on Montana’s Public Defender Commission for six years and Montana’s Statewide Reentry Task Force for two years. She currently serves on the advisory board for the Council of State Governments Justice Center and the Missoula Criminal Justice Coordinating Council that advances criminal justice reform in Missoula, Montana.
- **Desiree Pierre Fox** (partnering consultant) is a licensed clinical psychologist, currently working with the CSKT Tribal Behavioral Health Department. Dr. Fox is an enrolled member of the CSKT and grew up on the Flathead Reservation. She received her undergraduate and graduate degrees in psychology and clinical psychology at the University of Montana-Missoula. Dr. Fox’s work centers on interdisciplinary integrative care approaches with a particular focus on American Indian resiliency, historical loss and trauma, and complex/traumatic grief.

Partnership Benefits

Each of the individuals who participated in this project brought a wealth of knowledge and expertise from their various fields. The team was able to incorporate complex perspectives in the survey design and development because of the varied backgrounds of the project partners. In addition to the breadth of expertise that partners contributed to this project, the unique collaboration of the team members also allowed for each practitioner to share their knowledge and learn from other disciplines.

While there were numerous rewarding aspects to this partnership and project, we have highlighted a few key benefits:

- **Breaking Down Silos:** The professional groups who collaborated on this project (researchers, tribal technical assistance providers, technology experts, and tribal justice system practitioners) often work independently in their fields to advance justice. Because of this, each professional group has deep expertise in one or several areas of justice operations or reform. However, there are rarely opportunities for each of these professional disciplines to collaborate, share knowledge, and inform each other of best practices, or approaches unique to their fields. This multi-disciplinary partnership informed all aspects of the project and led to new connections between different types of professionals. Technology experts provided an increased understanding of technological solutions available to criminal justice practitioners. Researchers, including both Center researchers and Dr. Fox (as a clinical psychologist who conducted a research study on an independently developed reentry risk-assessment tool for her tribe), shared their expertise in risk-need assessment, survey development, and data analysis. Tribal justice practitioners and technical assistance providers also shared their expertise, allowing all team members to deeply understand the complexity and nuances of tribal justice systems. This cross-disciplinary approach facilitated opportunities to break down the silos between agencies and helped establish ongoing and sustainable partnerships.
- **Building Knowledge:** This project advanced knowledge in numerous ways. First, the relationships between all team members led to greater individual knowledge and growth, providing opportunities to learn about each discipline's respective fields to gain collective expertise in tribal justice systems, risk-need assessment, and technology. The survey instrument was greatly enhanced by the collaborations in this project as it was fueled by contributions from tribal justice practitioners, technology specialists, and teleservices experts. For example, many of the questions about how data can be managed and collected through technological solutions were developed through that collaboration. And tribal justice practitioners provided nuances and an in-depth understanding about the complexities of tribal jurisdictions for the response options that the research team would likely have missed. Similarly, researchers were able to explain the various methods and limitations of information gathering, which informed tribal justice practitioners about the various approaches that could be used to collect needed information from tribal justice practitioners. Through this collaboration, the survey results were able to target important information to help fill a gap in knowledge around the status quo and ongoing needs of tribal justice systems.

- **Long-term Partnership:** The partnership established between practitioners at the Confederated Salish & Kootenai Tribes and the Center for Court Innovation has benefitted all involved individuals. The partners were able to build trust from working with each other in new ways and through open and ongoing communication. This trust led to deeper learning and stronger relationships. We also established shared values centered around our commitment to supporting tribal communities. Given the positive experience in developing, conducting, and analyzing the survey for this project, we believe this will be a long-term partnership with the potential for multiple future grants and projects together to further advance this work.

Preliminary results from the project survey have already been shared with an advisory board, created to act on the recommendations found in Chapter 3. Thus, both the long-term and short-term benefits of this partnership are clear, and we hope to continue to move this important work forward.

Collaboration among Partners

Early in the project, partners gathered with the express purpose of building relationships and rapport with each other. The first project meeting assembled all the partners, opened with a ceremonial greeting, and allowed each of the project partners to share stories about themselves and their commitment to this work. The initial meeting also made space for project partners to lay out their own goals and hopes for the project, toward promoting a cohesive vision. Following this initial meeting, project partners met regularly to plan for the project and to discuss survey development, implementation, and results.

During the survey development phase, partners met weekly or biweekly to review content and offer suggestions on how to approach survey construction for various topics. After the survey was released, partners met monthly to provide updates on survey progress, and then held several meetings to debrief the data and discuss analysis of the survey findings. As some project partners were remote, meetings occurred through online video technology, and most communications between meetings occurred through frequent emails. The partnership process relied heavily on creating space for partners to bring forward their unique perspectives and share information freely, which required trust, relationship-building, flexibility, and frequent communication between all project partners.

Survey Methods & Results

This chapter describes the methods and results for the survey developed and administered to 36 tribes to understand their tribal courts' existing assessment practices and technology needs. Methods described include survey development, respondent recruitment and sample size, and data analysis. Results are described across all domains of the survey, including risk assessment tools, technology use, and data collection and management.

Methods

This collaborative research project involved the development of a survey instrument, followed by recruitment, collection, and analysis of data from tribal courts focused on risk-need tools, assessment, and technological needs.

Survey Development

The survey was developed through a collaborative, iterative process between Center researchers, the Tribal Justice Exchange team, Center's technology specialists, and CSKT tribal partners, as outlined in Chapter 1. The group met regularly (bi-weekly), and every team member contributed to development and review of each survey item.

Survey domains were initially identified by the Tribal Justice Exchange team through their extensive experience working closely with tribal courts; initial domains were reviewed and amended as needed by the tribal partners. The research team conducted an extensive literature review to determine the existing knowledge on risk-need assessment (RNA) tools with Native Americans, Alaskan Natives, and Indigenous peoples in other countries. The survey covered the following domains:

- 1. Tribal Agency Description** Questions about tribal court/agency, including location, jurisdiction, capacity, and staffing structure.
- 2. Client Assessment Tools** Questions about any existing use of assessment tools, including intake forms, risk and/or need assessment, and other tools (e.g., substance use assessments).
- 3. Technology Capacity** Questions about available technology (e.g., phones or computers, internet reliability) and common usage/reliance.

4. **Communication** Questions about communication with partner agencies (e.g., state courts) and communication within the tribal court.
5. **Data** Questions about data tracking, data sharing across agencies, and data management programs.
6. **Teleservices** Questions about existing teleservices and needs in this area. Teleservices refers to technology that could allow courts and service providers to connect with clients for remote supervision, access to telehealth, and remote client engagement.
7. **Future research** A series of questions about whether respondents would be interested in follow up (e.g., report-sharing) or participation in future studies.

After an initial survey draft was completed, it was reviewed by other colleagues, including in-house experts on Risk-Need-Responsivity and RNA tools, criminal justice technologies, and data management.

The final survey instrument was briefly piloted in order to test overall structure, time necessary for completion, and proper mechanics of the online survey. The survey was also reviewed and approved by the Center’s institutional review board and the National Institute of Justice’s human subjects’ protection officer.

Recruitment

The target population for the survey included judges, court clerks and coordinators, prosecutors and defense providers, law enforcement, and court-affiliated service providers within tribal courts. According to the Bureau of Indian Affairs (2020), there are 574 federally recognized American Indian and Alaska Native tribes and villages and fewer than 400 courts. We hoped to obtain participation from as many tribal criminal courts as possible; the total number of tribal courts includes many kinds of courts with different types of jurisdiction, depending on the state, including civil courts, healing to wellness courts, juvenile or family courts, specialized courts such as domestic violence courts, and CFR Courts (Courts of Indian Offences).⁴

The initial list of tribal courts for recruitment was obtained from the publicly available list of tribal courts managed by the Tribal Law and Policy Institute. This list provides contact information for 343 tribal courts—not all of whom would be eligible for the survey since we

⁴ An accurate count of adult criminal courts in tribal jurisdictions is not publicly available. A complete list of tribal courts across the United States can be found at the Tribal Law and Policy Institute website: <https://www.tribal-institute.org/lists/justice.htm>.

were primarily interested in criminal, civil or specialized courts. Given the lack of uniformity that currently characterizes the field, we applied an inclusive definition encompassing both courts run by tribal governments, as well as Code of Federal Regulation (CFR) courts run by the Bureau of Indian Affairs (BIA).

Survey recruitment was two-pronged: (1) initial indirect recruitment; (2) targeted follow-up recruitment. For initial indirect recruitment, respondents were recruited through existing relationships with external tribal practitioners; presentations by members of the Tribal Justice Exchange team at annual conferences (e.g., the American Indian Justice Conference, the National Association of Drug Court Professionals Conference, the National Tribal Judicial and Court Personnel Conference, the Tribal Healing to Wellness Court Enhancement Training); outreach through online groups, listservs, the Turtle Talk blog, the Indian Country Today news outlet, and other tribal publications; and contacts and individual outreach by the tribal consultants. Through these efforts, we sought to reach as many tribal criminal justice stakeholders as possible nationwide with information about the survey.

For targeted follow-up recruitment, we reviewed initial survey responses two to four weeks after initial recruitment began (and weekly thereafter). Survey respondents indicated their professional tribal affiliation (i.e., which tribe they work for), allowing us to target those on the list who had not yet completed the survey. Initial indirect recruitment efforts were continued during this period, along with more targeted outreach efforts to those tribal courts on the list that had not yet responded. Specifically, direct outreach included emails and phone calls. The entire recruitment period lasted about six months from the survey launch date.

The survey recruitment period was extended beyond the original timeline to allow more individuals to respond (Sep 2019 – Dec 2019). We believe recruitment was hindered by several key challenges. First, many tribal courts are in rural or remote areas where internet access may be unreliable. The survey may have had limited reach due to our reliance on electronic distribution. Further, the survey itself was long and time-consuming; it took 20 to 45 minutes to complete. This could have served as a deterrent to participation. Finally, while the survey was distributed as widely as possible, it is possible that some tribal courts and practitioners either did not hear about the project or opted not to participate.

Additionally, the survey had no responses from tribal law enforcement personnel (i.e., police). As one of the primary practitioners that share information with courts, the lack of police participation is an important limitation. This could be due to the outreach efforts,

which primarily targeted tribal court practitioners and treatment providers, rather than law enforcement. It could also be due to the survey length and nature of distribution.

Ultimately, 67 individuals responded to the survey, representing 36 tribes.⁵ This represents a response rate of about 10.5% of all tribal courts in the country. While small, the sample was incredibly diverse as described further in the results below. Specifically, the sample included courts in rural, urban, and mixed/both settings and with a wide range of population sizes covered (from hundreds to hundreds of thousands). Thus, while the results may not be fully generalizable to all tribal courts, they represent a wide variety of tribal courts, their characteristics, and needs.

Limitations As noted above, the study has a small, but diverse, sample that may not be generalizable to all tribal courts or tribal justice system settings. The survey is also likely affected by several forms of selection bias. As with most survey studies, especially national surveys, recruitment strategies are limited and may not reach individuals who are less connected to networks and resources. It is also possible that practitioners working in the most challenging settings, such as high-volume courts or service provision, are busier and less likely to participate in a survey. As an online survey, those with more limited internet access may have found it more difficult to participate. Also, the results are self-reported and independent confirmation of the responses was not possible. Surveys often suffer from issues around social desirability of responses, but we do not believe that this is the case in this study, since participants had no incentive to mis-report the characteristics and needs of their courts or justice systems. Review of the results through the tribal-researcher partnership, as well as a newly formed advisory board consisting of tribal practitioners, has helped shaped our interpretation of the results.

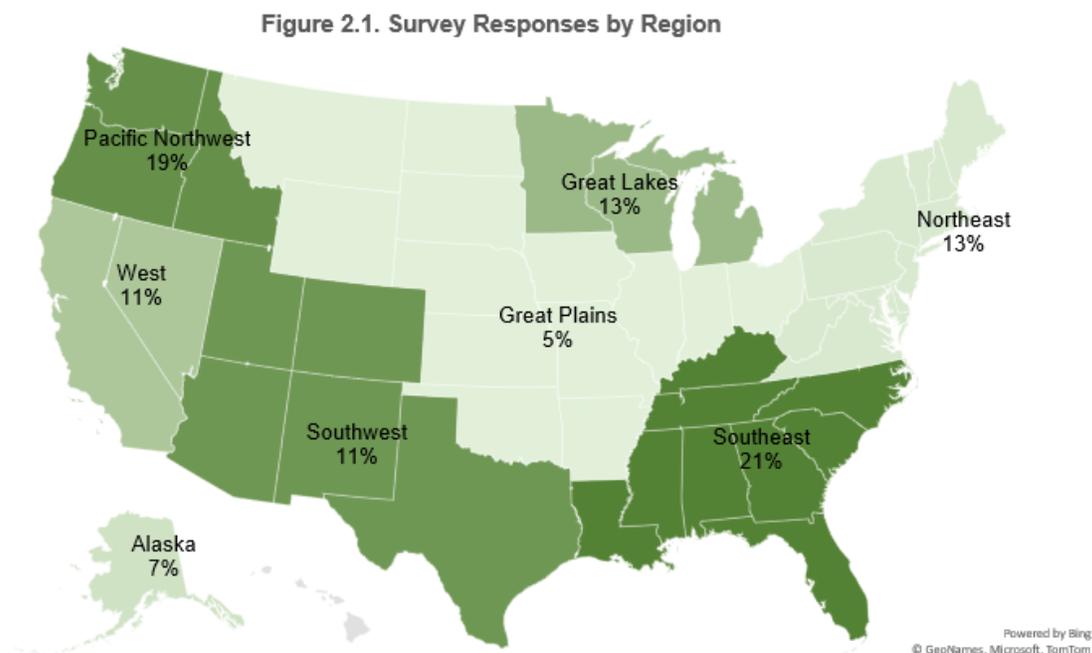
⁵ Three respondents declined to identify their tribe.

Results

Results include a description of the sample, including characteristics of the respondents, their tribes, and their agencies. We then examine the results on risk-need assessment, data collection, and technology practices. The full survey instrument is available in Appendix B.

Sample Characteristics

Of the 67 respondents, a majority (57%) worked in a tribal court, while the rest worked in other agencies, including child welfare, victim services, reentry, treatment, and others connected to the tribal court or justice system. Respondents represented tribes in all regions of the country, as shown in Figure 2.1. The greatest number of responses came from tribal members in the Southeast and Pacific Northwest. However, based on the total tribal population in each region, the Southeast was the most represented region and Alaska tribes were the least well-represented.



Respondents were asked about the characteristics of the populations they serve. The primary target demographic for services provided by responding agencies were tribal members. However, more than half (57%) indicated that their agency will work with anyone, 24% work with only their own tribal members, and 19% work with Native Americans from any tribal affiliation. Respondents reported an average of 664 clients a year at their agencies; the average for *only* court-based respondents was higher, with 881 defendants served annually.

The population in the area served by respondents ranged from 100 to 141,000, though the majority (66%) of respondents had a population of 10,000 or less in their service area.

Sixty-three percent identified their location as rural or frontier, 5% as urban only, and 32% as a mix of both. The rural or rural/urban mix affected office location and the ability to serve clients. Respondents from agencies covering large areas or multiple jurisdictions described the challenges associated with having one main office and satellite offices in more remote areas, having to travel, or having clients travel long distances. Adverse weather, large mountainous regions, lack of access to technology, and limited public transportation were all stated to contribute to difficulty in providing services to clients or client appearances.

Examples of such challenges were described in comments. Challenges created by inclement weather were mentioned by multiple respondents. “Commute to rural communities is impacted by poor weather.” “During the winter or severe weather, it is difficult to reach other areas of our services areas as we are prone to floods and have mountainous regions to cover.” Lacking infrastructure was also a noted challenge: “Little public transit, no electricity on [one end], bad roads in winter.” “Court is located in the town, yet due to lack of housing many members live ‘off rez’ or many to a household. Over [hundreds of] acres, mostly rural so transportation is a problem. Court is housed in an older building, safety can be an issue.” Finally, comments reflected the difficulties posed by the large geographic spreads of some respondents’ service areas: “[We have] one office centrally located near downtown...[but] tribal lands cover a [multi-] county area; cases can occur up to two hours away from the main office.”

Risk-Need Assessment

One goal was to understand the use of risk-need assessment tools in tribal justice systems. Prior to this study, project staff had anecdotally heard about the lack of use of such tools, informal adaptations of existing tools, poor estimation of risk for Native Americans in existing tools, and a desire for culturally appropriate tools that assess historical trauma and other measures important to Native communities.

Prevalence of Assessment Fourteen questions about the use of risk-need assessments were included in the survey. Only 17 respondents (representing 16 agencies) reported that their agency used *some* risk or needs assessment tool. The tools used most by the survey

respondents were the GAIN and LSI-R,⁶ two commonly used assessments in non-tribal criminal justice systems across the United States. Table 2.1 displays all the tools identified by the respondents.

Assessment Logistics Of those who indicated using an assessment, respondents reported most frequent use by a case manager or supervision officer. Others who might also conduct assessments include pretrial services officers, corrections officers, intake counselors, and advocates. Case managers reported using the LSI-R or GAIN; supervision officers also indicated use of the GAIN. While the response rate was low, the findings suggest that there is little consistency on which instruments are used even across similar roles.

Of the 17 individuals who reported using a risk assessment, about half indicated that risk assessments were used broadly to assess *all* clients,⁷ while the other half were used to assess those who met specific criteria or who were seeking to participate in certain program. They are most frequently conducted at diversion, during pre-trial detention, and pre-sentencing. They are primarily used as part of case management (47%) and treatment planning (59%). In

Table 2.1. Assessment Tools Used by Respondent Agencies

	Total Respondents	67
Agency does not use an Assessment		50
Agency uses an Assessment		17 ¹
GAIN (Global Appraisal of Individual Needs)		5
LSI-R (Level of Service Inventory-Revised)		4
Assessment developed in-house		3
COMPAS (Correctional Officer Management Profiling for Alternative Sanctions)		2
PSA (Public Safety Assessment)		2
ORAS (Ohio Risk Assessment System)		2
Statewide assessment, name unknown		2
VPRAI (Virginia Pre-trial Risk Assessment Instrument)		2
Signs of Safety		1
TCU (Texas Christian University Assessment)		1
Unknown		1

¹ Some agencies indicated using multiple assessment tools; total across all identified assessment tools is greater than 17.

⁶ The Level of Service Inventory (LSI), in its different versions - LSI-R, LS/CMI, YLS/CMI - is the most extensively studied and validated tool in North American general justice-involved populations. It has been studied with Native and Indigenous peoples, but validation results are weak. The Global Appraisal of Individuals Needs (GAIN) is a standardized bio-psychological assessment tool from which a family of instruments has been derived aimed at supporting a number of treatment practices.

⁷ Survey responses included terms like participants, clients, defendants, or inmates to refer to the justice system population. For the purposes of this report, we will use the term clients.

case management and treatment planning, they are used to determine eligibility for a program, the specific type of program, and the most suitable modality. Exactly half reported re-administering their assessments.

Purpose of Assessment Of those who indicated that their agencies use a risk or needs assessment tool, respondents reported assessing most often for substance or alcohol use and addiction, family relationships, and mental health issues. Measures associated with criminogenic risk—including employment and educational status, criminal history, and existing social supports—along with demographics represented a second tier of commonly assessed measures. A separate survey question asked respondents to identify less common assessment areas that might be particularly relevant to Native American justice system involvement. These included community connection, historical trauma and loss, cultural beliefs and connection, Indigenous or Native language knowledge, and spiritual or traditional beliefs and practices. A few participants reported that their assessments asked about community connection and participation, historical trauma and loss, cultural beliefs and connection, and/or languages spoken (including Indigenous language knowledge). Given that few existing evidence-based tools incorporate these types of questions, this indicates that tribal courts or practitioners may be incorporating their own additional measures into the existing intake or risk-need assessment processes.

The individuals that reported using an assessment at their agencies indicated that their assessments provide a flag, summary score, or severity classification (such as low, moderate, or high risk) most commonly for risk of re-arrest, level of substance addiction, and mental health issues. Assessments were also used by some agencies to identify employment problems and needs, risk of failure to appear, level of alcohol addiction, trauma, and readiness for change.

Assessment Value Most respondents were aware that the assessment tools in use had not been validated with Native American populations. Of those who indicated using a risk assessment, only about half of the survey respondents commented that they found the assessment useful in their work. Others were less convinced of the usefulness of the tools they used, commenting that: “GAIN-SS is not that helpful” and “I feel that it could be altered to better suit the Native American population.” It is perhaps telling that the primary reason reported for using risk assessments was to satisfy grant requirements.

Technology

Another focus of the survey was on technology use and access, particularly toward assessing the infrastructure available to justice system actors, current use of databases, communication methods, and teleservice use. Most respondents completed the questions about technology. Survey results indicated that the technology infrastructure is promising, though much data collection still happens on paper, and use of teleservices⁸ (remote supervision and telehealth technologies) were limited in scope.⁹

Internet access and use were prevalent. Most respondents reported there was very reliable (59%) or somewhat reliable (36%) internet access at work. Only a few reported somewhat unreliable access (5%). An important limitation to this finding is that tribal communities with the most limited internet services were far less likely to have participated in this (online) survey. Cell phone service was reported to be somewhat less reliable than the internet: 86% indicated that cell service in their area was very or somewhat reliable, while 13% found it to be somewhat or very unreliable.

Data Collection Respondents were asked a series of questions about data capacity and collection at their tribal courts. About 30% of respondents did not answer these questions. Table 2.2 presents the percentage of agencies collecting each variable.

Of those who completed, most reported collecting data on clients' age or date of birth (70%) and tribal affiliation; fewer collect other demographic information such as race, ethnicity, and gender identity. Aside from general demographic information, many respondents use a screening tool to collect client information, such as tools screening for criminal history (34%), substance use (13%), mental health (12%), and trauma (10%).

Three-quarters of respondents knew how data was collected by their agency: 41% reported that agencies primarily collect data electronically and 33% collect primarily via paper files. Those who primarily use an electronic database also use paper folders to collect data. A few respondents reported using an off-the-shelf database; specific software mentioned include JustWare, ODIS, OneTribe, and Rite Track.

⁸ To learn more about teleservices in criminal justice settings, see: <https://www.courtinnovation.org/publications/teleservices-happening-now-using-technology-enhance-drug-treatment-courts>.

⁹ The survey was conducted before the COVID-19 pandemic, so this may have changed.

Nearly half of respondents reported that they identify clients only by their name and other demographic information (48%), while the other half utilize a unique case number. It is unclear from survey responses whether these unique identifiers allow cases to be identified across different agencies. Of those who reported using an electronic database, 62% of respondents indicated that data systems allow information to be saved at both the individual and case levels; the remaining respondents did not know.

Table 2.2. Data Collected by Responding Agencies

Total Respondents	47
Courts Responding	25
Other Agencies Responding	22
Age/Date of birth	70%
Race/Ethnicity/Tribe	
Tribal affiliation	67%
Race (self-identified)	48%
Ethnicity (self-identified)	48%
Gender identity	37%
Disability/Accommodations	33%
Language(s) spoken	30%
Employment	33%
Education	26%
Living situation	26%

Perceptions of database performance were mixed. On one hand, some respondents found custom-created databases helpful; for example, one respondent commented: “Cases are easily searchable, and the unique agency ID follows each client for the course of their service.” However, others found the systems frustrating. Complaints included that the database was just a spreadsheet, that users were unable to pull reports specific to their needs, the database was not used consistently and information was not up-to-date, that completing or maintaining the data took too much time, and that the databases required repetitive data entry. One respondent described their frustration with their current data tracking method as follows:

Nothing is automated. Duplication of work among multiple staff. No system of checks that prevent inaccurate information being entered. Career Specialist creates paper file → Career Specialist duplicates data in [Database] → Paper file goes to file room at another location → Data Entry Tech enters data from paper file into Excel spreadsheet that is not accessible to staff. Paper file trumps data on [Database].

Technology Needs The survey asked respondents about their technology and teleservice needs. Teleservices were identified as technology services that could allow courts and

service providers to connect with clients for remote supervision, access to telehealth, and remote client engagement. Respondents identified a need to store files electronically (e.g., scanned documents, compliance notes) and to easily access those for data reports when operating remotely. Respondents did not explicitly identify teleservices as a need, but when asked specifically about them, 71% said they would like to use more teleservices and telecommunication in their work.

The actual use of teleservices was limited. Only 17 respondents reported that they had previously used teleservices and none of those used them on a regular basis. The survey was conducted before the COVID-19 pandemic, so we anticipate that teleservice needs and usage have changed. Those who had used teleservices indicated that they were used primarily for judicial hearings, case management, and compliance monitoring. Teleservices had also been used much less frequently for eMAT,¹⁰ individual therapy, and group therapy, none with any regularity. Those who had used teleservices expressed that they are helpful in closing the geographical gap, accessing interpreters, communicating with internal staff, overcoming transportation issues, and delivering services to individuals in remote locations.

Finally, respondents identified notable challenges to implementing teleservices. They reported that client access to the technology and unreliable internet and cell phone service for clients were key challenges. Respondents also identified cost-related challenges: the cost of broadband service and equipment, as well as ongoing maintenance and upgrade costs. They also mentioned resistance to new technology, usability challenges, device compatibility issues, and lack of use among other agencies as barriers.

Communication

Building on the use of technology and the collection of data, respondents were asked about communication within their own agency, with other agencies, and with clients.

Communication includes both sharing information about individual cases (to support client success or compliance) and data sharing. Reliable technological solutions, such as sophisticated database systems, can often facilitate necessary communication within agencies and with external agencies. This includes the types of data sharing that are often required for adequate risk-need assessment (e.g. sharing criminal history data) and for ongoing case management, tracking client recidivism and outcomes, and reporting internally (to the tribe) or externally (to funders).

¹⁰ eMAT is the electronic version of medicated assisted therapy. More information can be found on the SAMSHA website: <https://www.samhsa.gov/medication-assisted-treatment>.

Survey responses indicate that tribal practitioners rely heavily on phone or in-person conversations to communicate information. At the time of the survey, remote communication technologies (such as video conferencing) were rarely used.

Within-Agency Communication Within the same agency, respondents reported communicating via email (97%), phone (83%), and in-person conversation (84%) frequently (i.e., on a daily or weekly basis). Additional regular communication (monthly, weekly, daily) occurred via shared paper documents and through shared databases. Respondents indicated rarely/never using remote video conferencing (91%), letters (68%), or fax (75%) to communicate within their own agency.¹¹

While many did not identify any problems with intra-agency communication, some challenges were identified. These included:

- Inadequately trained staff;
- Insufficient time;
- Manual gathering of information;
- Limited access to databases; and
- Poor accuracy of information.

Inter-Agency Communication About sixty percent of the participants responded to questions about inter-agency communication and data sharing. A vast majority (90%) of them reported that their agency shares information with other agencies, both providing data and receiving data. More respondents indicated that their agency receives data *from* two or more other agencies (76%) than those who indicated that their agency provides data *to* two or more agencies (68%). The most common agencies that data was shared with were other tribal agencies. Notably, no respondents indicated that they received data from correctional agencies or federal agencies, although some reported sharing data with them (Table 2.3).

Weekly communication between agencies occurred via phone (71%), email (67%), or in-person conversation (56%). Letters, fax, and in-person file-sharing also happened regularly (monthly, weekly, daily) when communicating with those in other agencies. Shared databases, video conferencing, and text messaging were rarely or never used for cross-agency communication.

¹¹ Again, use of remote technology to communicate may have changed since the start of the COVID-19 pandemic.

Table 2.3. Data Sharing and Receiving, by Agency Type

	Provide data to other agencies	Receive data from other agencies
Number of Respondents	41	42
Share <i>any</i> data between agencies	90%	90%
Share with 2+ agencies	68%	76%
Agency Type		
Tribal agencies	75%	83%
Treatment providers	56%	54%
Local police	44%	61%
Corrections	32%	0%
State agencies	29%	41%
Federal agencies	26%	0%

Respondents were asked about the types of information they shared or received from other agencies (Table 2.4). The most common type of information received from external agencies was criminal history, followed by compliance information, initial case information, new arrests, and medical or clinical information. Respondents indicated that some types of information that they do not currently receive from other agencies would be particularly helpful: case updates, treatment information, schedules, monthly reports from treatment providers, reliable access to police reports, and criminal histories. Communication with external agencies is not without its challenges. Respondents identified several issues affecting their inter-agency communications. These included poor communication, different expectations for timeliness of communication, and lack of communication in some cases. Communication was also affected by data-related issues, such as the challenges of manual data entry and concerns about confidentiality of data. Other communication challenges were structural or systemic: lack of established protocols, jurisdiction issues (state/federal), disagreement over sovereignty, and lack of trust with non-Native agencies.

Client Communication The survey asked about the types of information that are shared with clients. The most common pieces of information reported were: date of next court appearance, details of court mandates, letters or notices from the court, and compliance information. Respondents reported primarily communicating with clients via in-person conversations (94%), in-person document sharing (91%), and phone calls (88%). Additional forms of communication with clients or defendants include letters (66%), email (54%), and text messages (49%). Videoconferencing was rarely used.

Respondents identified numerous challenges in communicating with clients, including locating clients—particularly in light of frequently changing contact information; reaching

clients without reliable access to phones, computers, or internet; and staff time needed for communication.

Table 2.4. Information Received and Shared with External Agencies

	Received from external agencies	Shared with external agencies
Number of Respondents	42	
Criminal history	62%	28%
Compliance information	56%	46%
Initial case information	54%	41%
Notification of new arrest	54%	23%
Medical or clinical client information	54%	0%
Treatment plan	51%	31%
Updates on case	49%	59%
Referrals	49%	46%
Violation of orders of protection	46%	28%
Client's address	38%	28%
Case outcome	36%	62%
Schedule information	23%	33%

Reporting Requirements

All respondents indicated that they are required to submit some kind regular reports, whether to funders, criminal justice systems, or other agencies. Respondents were primarily compiling reports manually. The information provided in those reports included:

- **Client data:** client demographics, family history, key dates, charges, and sentences
- **Outcome data:** monthly success stories, job placement, recidivism, training completion, case outcomes, cases closed, case settlements, or new cases/arrests
- **Aggregate Counts:** such as case counts, number of hearings, pleadings filed, jail use, or referrals

Respondents were asked to share which data reporting requirements worked well for them (and which did not). Responses varied across agencies, with some responding that reporting was easy, either because they had a single point of contact or because all staff were well trained on collecting reporting information. Others found that data reporting was more challenging. Respondents reported challenges arising from inadequately trained staff; duplicated reporting tasks; databases that were disorganized, incorrect, or missing key reporting fields; difficulties with extracting necessary information from data systems and time-consuming and overly complicated data systems.

Chapter 3

Discussion and Recommendations

This project was a collaboration between Center for Court Innovation Research department, the Tribal Justice Exchange team, and partners from the Tribal Defenders of the Confederated Salish and Kootenai Tribes. We conducted a survey of tribal courts across the country, asking about use of risk-need assessment (and other tools), data management technologies, and teleservices, as well as communication and data collection practices. While response to the survey was lower than expected, we obtained completed surveys from a diverse sample of court practitioners across the country and believe the data provides some important insights for the field.

We found that the use of risk-need assessment tools was limited in our sample. Few agencies reported using an assessment tool, and among those that did, responses suggest that they do not like the tools or may be altering them (e.g., by adding questions and domains particularly relevant to Native populations). This finding suggests a need for more culturally appropriate tools in the field—tools that do not require significant changes or adaptations. Existing tools that have been validated with NA/AN populations are also needed.

The findings on technology were equally illuminating. Tribal court lacked management information technology, with many respondents indicating a reliance on paper files. The lack of access to reliable technology also created a barrier to consistent, quality data collection. Respondents were interested in using technologies for communication, data management and collection, and teleservice provision. Tribal agencies reported a need to share, report, and receive data from multiple partnering agencies, with technological limitations seen as a key challenge for such inter-agency communication and reporting obligations.

While the need for technological solutions was clear, tribal practitioners did not often cite structural issues (e.g., access to internet, cellular phone service) as a primary reason for less frequent use of technology. Most practitioners appeared to have access to reliable technology networks. However, technological limitations were cited as a barrier to *client* communication with tribal courts, service providers, and other responding agencies.

Technology can create solutions for service provision, data management, and data sharing. To fully realize such solutions, however, some tribal courts would have to transition from

paper-based systems to electronic systems, while also reducing duplication (maintaining both paper and electronic copies). There are clearly significant needs when it comes to streamlined technology in tribal courts and agencies, a challenge that exists in most criminal justice settings.

Further, teleservices were highly desired and the infrastructure needed to support teleservices is promising. While there is significant work to be done in this area, tribal courts and agencies are interested in the provision of services through technology. A majority (over 70%) of respondents indicated such interest, even *prior to* the COVID-19 pandemic that resulted in shutdowns of in-person hearings and supervision along with work-from-home orders across the country. We believe that interest in teleservices would likely be even further heightened now that tribal courts have been working through the pandemic.

Recommendations

Based on the results of this survey, we have developed a series of recommendations for researchers, funders, and practitioners. It is worth noting that many of these recommendations are beyond what tribes, the Center for Court Innovation, or our partners could realistically hope to achieve without significant investment and support. Nonetheless, we consider them key conclusions from this work and necessary for advancement and change in the field.

- 1. Development and validation of a novel risk-need assessment tool for tribal courts.** It is imperative that funders, researchers, and tribes come together to create, pilot, and validate a tool (or tools) that could be used in tribal jurisdictions.¹² Such a tool should account for the unique (and under-studied) defendant population of tribal courts and the strengths and cultures of tribes across the country. It should be both highly predictive of risks and needs, while also balancing flexibility and responsiveness to the very diverse tribal justice system contexts in which it might be used. Researchers should not assume one tribal culture or court context to be ubiquitously reflective of others, but should, at minimum, examine any emerging similarities or trends across tribal courts that could help make the tool applicable across multiple tribes.

¹² It is unclear without further research and testing whether a single risk-need assessment tool could be appropriate for all of Indian Country.

- 2. Improved validation of existing tools used in tribal court settings.** While some existing tools (e.g., LSI-R) are discussed as “validated” with Native American or Alaskan Native individuals, a close examination of the literature shows that these tools remain poorly predictive with this population. Further, these tools have been studied in with Native Americans involved in federal and state justice systems rather than those involved in tribal court justice systems. The complex jurisdictional restrictions applicable to tribal courts leaves open the possibility that the individuals served those may differ in meaningful ways from individuals involved in federal and state courts. We encourage existing tool developers to work closely with tribes to validate tools in the context of local tribal court settings and to consider making those tools free and easily accessible tribal courts. We do not believe that this recommendation is opposed to the first recommendation; having multiple tools that work for tribal courts will help address varying needs and contexts across the country.
- 3. Creation of affordable tribal-owned technological solutions.** Effective court process—and good research—require good data. Likewise, strong relationships between tribal and non-tribal agencies rely on effective data sharing. For these reasons, data management systems are critically important for tribal courts. Access to reliable and affordable systems, however, is nearly impossible for many tribes. Thus, tribal courts (like many other courts around the country) continue to rely on paper systems or other short-term solutions. Because of the history of appropriation of Indigenous people’s information, it is imperative to support tribal sovereignty and ensure that tribes have primary ownership of their criminal justice data, including data obtained through risk and needs assessment tools. Tribes should make decisions about who can access their data and under which parameters (just as states do). We support the creation of affordable tribal-owned technological solutions and encourage technology companies and funders to work with tribal justice systems to develop and implement long-term solutions that are free or affordable. We acknowledge that tribal technology solutions require a strong infrastructure (such as high-quality broadband on tribal lands) which the federal government is responsible for funding and supporting.
- 4. Expansion of teleservices and telehealth.** Across the country, health care and other service providers are learning to use technology to deliver services to their clients remotely. Likewise, justice systems are using technology to facilitate court appearances, probation check-ins, and even remote drug testing. Such services can also empower clients to become more engaged in their own wellness, while improving outcomes and reducing costs. Tribal justice practitioners have identified a clear need for teleservices in

Indian country, a need that has likely grown since the COVID-19 pandemic has made in-person service provision particularly challenging. Teleservices can elevate service provision to individuals who have challenges with attending services in person, such as those living in rural or frontier locations, or those with limited transportation options, weather challenges, or caregiving responsibilities. It can also streamline services even for those who could attend in-person and allow them to access their service providers and information more directly. As with recommendation #3, teleservices rely on a strong infrastructure in broadband that allows both clients and service providers to access video calls and online systems. Funders and technology companies should consider and invest in options for affordable and accessible teleservices in tribal justice settings.

References

- Bureau of Indian Affairs. (2020). *Bureau of Indian Affairs (BIA) | Indian Affairs*. Retrieved from:
<https://www.bia.gov/bia#:~:text=The%20BIA%20carries%20out%20its,recognized%20tribes%20through%20four%20offices>.
- Casey, P. M., Elek, J. K., Warren, R. K., Cheesman, F., Kleiman, M., & Ostrom, B. (2014). Offender risk & needs assessment instruments: A primer for courts. *National Center for State Courts*. Retrieved from http://www.ncsc.org/~media/Microsites/Files/CSI/BJA%20RNA%20Final%20Report_Combined%20Files,208-22.
- Fox, D. L. (2019). *Measuring Recidivism Risk Outcomes: A Pilot Project in Collaboration with the Flathead Reservation Reentry Program* (Doctoral dissertation, University of Montana).
- Holsinger, A. M., C.T. Lowenkamp, & E.J. Latessa. 2006. "Exploring the Validity of the Level of Service Inventory-Revised with Native American Offenders." *Journal of Criminal Justice*, 34(3):331-337.
- Jones, B. J. (2000). *Role of Indian tribal courts in the justice system*. US Department of Justice, Office of Justice Programs, Office for Victims of Crime.
- Picard-Fritsche, S., Rempel, M., Tallon, J. A., Adler, J., & Reyes, N. (2017). *Demystifying risk assessment: Key principles and controversies*. Center for Court Innovation, 15.
- Villegas, L., Hassoun Ayoub, L. Fontanet, A. Altaha, N. and Morrison, A. (2021, forthcoming). *Unique experiences, unique measures. A Systematic Review of Risk-Need Assessment for Native Peoples*.

Appendix A. Positionality Statements

The following positionality statements were written by each core project team member as part of considering how our worldviews, backgrounds, and perspectives influence the work we are doing. They are presented in alphabetic order by last name.

Noel Altaha In my work, I come with the lens of a cisgender, Indigenous, queer woman, who is a person of color and is able-bodied. I am a first-generation college educated Native American living and working as a guest on Canarsie territory. My ancestral homelands are in the southwest of the United States, on the Fort Apache Indian reservation, home to the White Mountain Apache tribe. I move in the world with privilege of an education from a prestigious university and carry a U.S.A. passport along with other privileges from being a U.S. citizen. My commitment has been to create space for Indigenous lived expertise and Indigenous methodologies that are not often recognized or valued in western dominant institutions. I am in a constant state of learning and growing in the knowledge as it reveals itself to me.

Adelle Fontanet I approach my work as a queer, cis-gendered woman of color, who was born in Puerto Rico but raised in the United States. Though my family is from Puerto Rico, I have spent most of my life in the United States, first living in the south in Florida, and later moving up north to New York City. Being estranged from my extended family has left me with a deep desire to connect to my family's traditions and culture. This has in many ways led me to my work with tribal communities. I feel an affinity for the shared history of colonialism that my people have lived through, and I have a desire to seek solutions, both traditional and new, to address the real problems that are the result of colonialism. I try to recognize that though the history of colonization is similar between Native Americans and Puerto Ricans, that our stories and our people are still different, and though I can be an ally to the process of decolonization for Native communities, I am still an outsider and must be respectful of their traditions, beliefs, and decisions, especially when they differ from mine.

Throughout my life, I have had the benefit of a high-quality education in both private and public institutions. And my access to education has shaped my perspective on the world. Though I am a lawyer by training, I have always valued emotionalism and compassion. My legal training has tempered my sympathetic tendencies with logic and has altered the way I approach problems both in my personal and professional life. I recognize that my legal training is based on western ideals of de-personalized rationalism that have perpetuated innumerable harms on people in this country, particularly Black, Indigenous, and

marginalized peoples. I try to constantly be aware of the tension between legal approaches and human-centered approaches. When I was in law school, I had the opportunity to learn the practice of peacemaking from Judge Barbara Smith and Michael Smith from the Chickasaw Nation. I also began my career at the Center for Court Innovation developing a peacemaking program and sitting in circle with elders, community peacemakers, and participants alike. I try to carry the lessons of compassion, healing, and honesty that I have learned from all the people who I have sat in circle with and recognize that I always have room to grow.

Desiree Fox I approach research within the context of my worldviews, identities, and acknowledgment of inherent biases. I am mixed Bitterroot Salish of the Confederated Salish and Kootenai Tribes, and White. I was born and raised in a small, rural Reservation town as an American citizen as well as a citizen of a sovereign Tribal nation. I completed my undergraduate and graduate (Masters and Doctorate) degrees at the University of Montana-Missoula—the campuses of which reside on the ancestral homelands of the Bitterroot Salish people. I am frequently coded as White or non-Native, especially when away from my home community, yet was raised with both Indigenous and Westernized worldviews and values. I am a cisgender woman, in a heterosexual marriage, and a parent to two young children. I am visibly able-bodied and neurotypical, with experience of a serious, chronic health condition which serves as a less visible physical vulnerability.

My formal clinical and research training and experiences are based on a scientist-practitioner model heavily informed by Westernized, colonial approaches to research and psychological practice. With additional effort on the part of my Indigenous peers, mentors, advisors, and other Indigenous people and allies in the field, we work to bring our perspectives, experiences, and approaches into research, academia, and clinical services. I personally strive to increase the visibility of colonially and historically marginalized voices and perspectives while recognizing my own experiences are influenced in the context of privilege, opportunity, and support.

Lama Hassoun Ayoub I approach research as a cis-woman of color, of Arab and Lebanese descent, who is visibly Muslim, and identifies as straight and able-bodied. I am an immigrant to the United States. I was raised primarily in Beirut, Lebanon; the villages of South Lebanon are my homeland and lands of my ancestors. As an immigrant, my family was not wealthy and struggled with integration and assimilation in dominant American culture. At this point, I have spent more years of my life in the United States and currently have the privileges that come with both U.S. citizenship and high-quality education from well-known U.S. universities.

I have grown as a researcher and evaluator in the last ten years and recognize that my earlier approaches to research were based in dominant Western research practices, with little accommodation for alternative methods or incorporation of cultural, historical, and Indigenous ways of knowing and learning. I continue to struggle, work, and grow in this area, including working to connect my thinking and approaches to foundational spiritual, historical, and scientific practices of my ancestors and the Indigenous people whose lands I currently occupy.

Suvi Hynnen Lambson I approach research as a cis-gender white woman, who identifies as straight and able-bodied. I am a child immigrant from Finland but have lived most of my life in the United States and grew up in a middle-class community in suburban Massachusetts. Both my undergraduate and graduate studies were conducted at private universities in predominately white settings.

Over the ten years I've spent conducting research in the criminal justice field, I've realized that many of my assumptions and how I approach the work come from my upbringing. On many occasions, I have had to pause to reconsider my perspective and listen to the voices of people in directly affected communities and learn a new approach to research. One example of this is that after I evaluated a peacemaking program in a courthouse, I was so impressed by the approach that I decided to become a peacemaker myself and participate in the training. What I was taught in peacemaking I've used in not only my work, but personal life as well. I continue to make mistakes but strive to be open to alternative methods of research and a different cultural perspective.

Ann Miller I approach this project as a white woman whose goal for the last twenty-five years has remained serving the best interests of disenfranchised tribal people living on the Flathead Reservation. Before that, I was a public defender in the state system, and a social worker in public health and child protection. I am honored to work for the Confederated Salish and Kootenai Tribes and believe that I do my best work by listening to the people I serve and advocating for them by telling their stories of strength in a justice system that focuses on their worst moments. I believe I must be deferential and culturally curious. I am astonished at the graciousness, resilience, and humility of the people of the Flathead Reservation.

Alisha Morrison I approach this project as a cisgender woman of color, of both Lakota and colonizer descent, who identifies as straight and able bodied. I was raised off the reservation,

in the southwest United States, primarily by a single mother. My undergraduate and legal studies were conducted at the state university in my hometown.

My approach to this project incorporates my western legal training as well as the knowledge gained from attending a law school with a program focused on Federal Indian Law and my work within tribal communities.

Lina Villegas My identity, as a straight Latin woman who comes from a middle-class background (Latin American standards) and is able-bodied, influences the research I do. I live in the U.S. with a non-immigrant visa and I speak English with an accent. I spent most of my life in Colombia and had the privilege of getting high-quality education for my graduate studies in the U.S. I understand that in many contexts my education, my race, my migration status, and my class background put me in a privileged position. I'm learning to be aware of how this impacts my interactions, mostly in partnerships for research. In my work as a researcher and in my daily life, I am frequently examining and trying to overcome learned and internalized patriarchal, racist, colonial, and classist views.

Appendix B. Survey Instrument