

# Federal PROBATION

*a journal of correctional  
philosophy and practice*

[Home](#)

## Addressing Responsivity Issues with Criminal Justice-Involved Native Americans

*Ada Melton, American Indian Development Associates, LLC*

*Kimberly Cobb, American Probation and Parole Association*

*Adrienne Lindsey, Arizona State University, Center for Applied Behavioral Health Policy*

*R. Brian Colgan, Supervisory United States Probation Officer, District of Arizona*

*David J. Melton, American Indian Development Associates, LLC*

[Risk, Need, and Responsivity Approaches with NA Supervisees](#)

[Limited Inclusion of Criminal Justice-involved NA Individuals in Studies](#)

[Applicability of RNR Approaches with NA Supervisees](#)

[Lack of NA-specific Risk and Needs Assessment Tools](#)

[Limitations with case planning and interventions](#)

[Participation by Criminal Justice-Involved NA Individuals in Research](#)

[Methods](#)

[Survey Methodology](#)

[Respondent Demographics](#)

[Survey Findings](#)

[Types of Responsivity](#)

[Recommendations](#)

[Research and Development, Risk and Needs Assessments, and Evaluation](#)

[Policy Recommendations](#)

[Practice Recommendations](#)

[Conclusion](#)

**THE CONCEPTS OF** general and specific responsivity are integral elements of the Risk, Needs, Responsivity (RNR) supervision model. Lowenkamp and colleagues (2012) describe what would be entailed to truly individualize the delivery of correctional interventions:

Accounting for responsivity requires that the agency vary treatment delivery depending on other (perhaps non-criminogenic) factors, commonly framed as “barriers” to treatment. Responsivity considerations are wide and varied—which is perhaps part of the reason why agencies have by and large not implemented responsivity-based processes and strategies. Language barriers, IQ, motivation, anxiety, race, and gender may all play a part in developing a plan for responsivity, which will of course require the agency to be flexible and progressive and have the capacity to evolve—rapidly if necessary (something called for below). And of

course, relational style is a part of responsivity as well. Perhaps at its most basic, responsivity is about creating strategies to formulate the best response on the part of the offender (i.e., the way they respond to supervision, treatment programming, court ordered requirements, and the like).

The purpose of this article is to increase the level of understanding of correctional professionals about how the responsivity issues of Native American (NA) individuals can be effectively addressed. NA offenders are involved in criminal and juvenile justice systems handled by tribal, county, state, and federal agencies. As a result, there are several levels of justice practitioners, administrators, and policy makers that come into contact with NA supervisees at various stages of the criminal or juvenile justice system. This article focuses on how probation and parole officers (PPOs) are addressing responsivity factors of NA youth or adults on their caseloads throughout the supervision process. There are few NA-specific studies on responsivity; therefore, this article will discuss what is needed to expand knowledge in this area along with selected findings from a survey conducted by the American Probation & Parole Association (APPA) and the American Indian Development Associates, LLC (AIDA), of PPOs working with NA supervisees throughout the country. Recommendations to improve research, practice, and policy are also included.

## **Risk, Need, and Responsivity Approaches with NA Supervisees**

Recently published risk, need, and responsivity research with general populations has helped us to understand the importance of using risk and needs assessments to facilitate case planning and treatment interventions that are responsive to an individual's criminogenic needs or dynamic risk factors and matching the delivery of services to the ability and learning style of the individual on supervision (Andrews, Bonta, & Wormith, 2006). Together, the RNR approach has become a best-practice standard (Fretz, 2006). While general population research with RNR approaches is ongoing, the issues highlighted here identify the limitations for research with NA populations.

[back to top](#)

### *Limited Inclusion of Criminal Justice-involved NA Individuals in Studies*

Few studies have adequately included NA populations in RNR studies (Holsinger, Lowenkamp, & Latessa, 2006; Kane, Bechtel, Revicki, McLaughlin, & McCall, 2011); therefore, little is known about the effectiveness of the RNR approaches and actuarial tools being used with NA supervisees from different age and gender groups. In particular, little is known about the effectiveness of using evidence-based interventions (EBI) with this population (Archambeault, 2006; Gottschalk & Mayzer, 2009; McDonald & Gonzalez, 2006; Novins et al., 2011). However, recent studies of actuarial tools used at different criminal justice stages is helping to identify the strengths and gaps in using risk and needs assessments to match individuals with appropriate levels of supervision and interventions with different subgroups (Fennessy & Huss, 2013; Wilson & Gutierrez, 2014). These current studies highlight the important considerations of including ethnicity and other cultural factors in the original design and/or adaptations to existing actuarial tools.

[back to top](#)

### *Applicability of RNR Approaches with NA Supervisees*

General risk and need assessment tools are not created for subpopulations. Therefore, important factors or elements needed for valid predictive assumptions of risk and need and to develop responsive case management plans and treatment interventions may be missing (Austin, 2006; Holsinger, Lowenkamp, & Latessa, 2006; Macklin & Gilbert, 2011). However, recent studies indicate that the Central Eight from the GPCSL (*general personality and cognitive social learning*), as measured by the LS (*Level of Service*) instruments, apply across age, gender, race, and ethnicity (Andrews & Bonta, 2010). Holsinger (2006) and colleagues point out the importance of one-on-one

interviews between the correctional professional and the offender, emphasizing the need for extra care to be taken when assessing NA supervisees regarding relationships, communication styles, culture, and even jargon or vernacular.

[back to top](#)

#### *Lack of NA-specific Risk and Needs Assessment Tools*

There are no widely known or used actuarial tools that have been developed or adapted specifically for the NA adult or juvenile supervisee population (Kane et al., 2011). This may be related to cost, or the lack of culturally informed and competent professionals to design culturally relevant tools, or the lack of training to implement such tools in largely non-Native justice systems by non-Native professionals. However, the Post Conviction Risk Assessment (PCRA) created by the Administrative Office of the U.S. Courts to identify the criminogenic risk factors for individuals under supervision has produced promising results. The procedures to create and evaluate the accuracy of PCRA are detailed elsewhere (see Johnson et al., 2011; Lowenkamp et al., 2013). As part of a PCRA evaluation, the predictive validity among various offender race categories was conducted. Overall, the evaluation revealed that the PCRA predicts arrest activity equally across the various offender race categories, including whites, blacks, Native Americans, and Asians (Lowenkamp, 2008).

[back to top](#)

#### *Limitations with case planning and interventions*

Often non-Native professionals are challenged by their lack of knowledge or interaction with the NA supervisees' communities. This may be due to large caseloads and heavy workloads, the location of tribal communities that hinder development of relationships with local service providers, or the lack of knowledge about the tribal and/or cultural resources that could be included in a case plan. Studies involving criminal justice-involved NA individuals highlight the importance of identifying treatment approaches that are relevant for this population (Gottschalk & Mayzer, 2009; Kane et al., 2011). Research in this area in the fields of substance abuse and behavioral and mental health suggests that incorporating culturally competent strategies may improve effectiveness and outcomes for NA populations (Boyd-Ball, 2003; Gone & Calf Looking, 2011). However, we recommend caution in simply adapting evidence-based interventions to fit the NA population or other subgroups (Castro, Barrera Jr., & Steiker, 2010). When considering adaptations, it is important not to ignore the indigenous, tribal, or culture-based interventions that could work even more effectively with NA populations than the "evidence-based" interventions (Echo-Hawk, 2011; NICWA, 2013).

[back to top](#)

#### *Participation by Criminal Justice-Involved NA Individuals in Research*

There may be reluctance at the individual or tribal level to participate in research due to past research abuses, which diminished the value of research for improving circumstances for NA supervisees (Novins et al., 2011). Studies of NA individuals in their home communities after completing their community supervision are needed. Community-based participatory research (CBPR) approaches have been effective in helping NA people and/or tribal governments to participate in research that they feel they control and that they believe is beneficial to their communities (Novins, 2009; Straits et al., 2012). CBPR approaches elevate community involvement in the research design, particularly in developing research questions and methods, collecting data, analyzing data, writing publications and disseminating data, and applying research to practice in meaningful ways. CBPR researchers point out that CBPR is more than research methods; it also has philosophical underpinnings about how research should be conducted to prioritize community needs (Sahota, 2010).

Ongoing research involving these issues is needed because it takes time to build the research evidence and develop the human and infrastructural resources to support the use of these tools and practices with NA populations, whether this involves new PNR methods, adaptations, or practice-based methods (Greenfield et al., 2013; Novins et al., 2011).

[back to top](#)

## Methods

### *Survey Methodology*

The APPA and AIDA developed a Request for Information (RFI) survey targeting community corrections personnel. The RFI was designed to elicit both quantitative and qualitative responses specific to responsivity issues of NA, or tribal-affiliated, individuals on community supervision caseloads. The APPA represents over 40,000 community corrections practitioners; they provided the target audience for the RFI. The month-long, online RFI was announced through APPA's bi-monthly electronic newsletter, *CC Headlines*, in April 2014 and was emailed to over 7,000 email addresses. At the close of the online RFI on May 22, 2014, a total of 435 people had responded to the survey.

[back to top](#)

### *Respondent Demographics*

Respondents were asked a variety of demographic questions related to their personal and professional backgrounds. The information presented below summarizes the respondent demographic information.

**Agency type.** Respondents were asked to identify what type of agency they worked for (federal, state, county, private, or tribal). Approximately 43 percent identified themselves as employed by a county/municipal agency, 26 percent as state, 22 percent as federal, 8 percent as tribal, and less than 1 percent as employed by a private community corrections agency.

**Years of service.** Respondents were asked how long they had been employed in the capacity of a probation/parole officer. Interestingly, the highest majority of respondents (34 percent) indicated that they had 15 years or more in probation and parole settings, followed by 19 percent reporting 4–7 years' experience, 15 percent with 12–15 years' experience, 14 percent with 8–11 years' experience, 13 percent with 1–3 years' experience, and 4 percent with less than one year of experience.

**Location.** Respondents were asked what state they worked in. The highest percentages of respondents were from Arizona (28 percent), New York (23 percent), and New Mexico (15 percent). Other states identified were Nebraska, Alabama, and Washington (3 percent each); California, Montana, North Dakota, Ohio, Oklahoma, Texas, and Oregon (2 percent each); Alaska, Colorado, Florida, Idaho, Indiana, Louisiana, Maryland, Minnesota, South Dakota, Utah, Wisconsin, and Wyoming (1 percent), and Connecticut, Washington DC, Delaware, Iowa, Georgia, Kansas, Maine, Mississippi, North Carolina, Nevada, South Carolina, Tennessee, Vermont, and Virginia (.25 percent each).

**Supervision.** An important consideration was whether those responding to the RFI actually supervised NA individuals, and if so, what percentage of their caseloads consisted of this population. As respondents were primarily PPOs in non-tribal jurisdictions, low to moderate percentages were expected. Approximately 33 percent of respondents indicated that their caseload consisted of less than 10 percent of NA individuals. However, 18 percent responded that their caseload consisted of more than 75 percent NA individuals. The second-highest respondent

percentage (21 percent) did not supervise any NA individuals on their caseloads. This high level of response (which included responding to the closed-ended questions, as well as providing significant comments on the open-ended questions) from individuals who do not currently have NA individuals on their caseload signifies the interest and importance of this topic among PPOs across the country.

[back to top](#)

## Survey Findings

### *Types of Responsivity*

The responsivity principle suggests that an individual's characteristics affect how they respond to treatment and interventions. Within this principle, two separate types of responsivity have been identified—general responsivity and specific responsivity.

**General responsivity.** General responsivity refers to the use of cognitive-behavioral interventions (such as Moral Reconnection Therapy or other skill-based interventions) that have been shown to be effective with justice-involved populations as a group. Fifty-one percent of respondents indicated that they believed there were general responsivity factors that are more prominent with NA individuals; 19 percent believed they were not any more prominent with this population than any other; and 31 percent were unsure. Many of the respondents who believed there are prominent responsivity factors for NA populations indicated that when programs and services are tied to the culture or spiritual beliefs of their tribe, the interventions are more successful. One respondent stated, "having a working knowledge of the cultural beliefs and resources available for peer supports plays an important role when working with Native American clients." Many respondents stated that officers and programs that are knowledgeable about the role of families, ceremonies, communication styles, and tribal history help to build trust with NA individuals on their caseloads and allow them to work together to identify programs to meet their needs. Others who believed there were not general responsivity factors for NA populations indicated that individuality should be considered when recommending services and interventions—no matter what race, religion, or creed. One respondent stated, "The Native American population is not well-represented in the research. We use Cognitive Behavioral Interventions, which are shown to work in general. We can intuitively say, based on our experiences and the available research, that we believe it works for Native Americans; however, there is not enough research to say that conclusively."

**Specific responsivity.** Specific responsivity refers to individual, personal factors that can enhance the treatment response. Examples may include learning style, reading/cognition level, gender, mental health issues, etc. When asked whether respondents believed there were specific responsivity factors that are more prominent with NA individuals, 60 percent of participants indicated yes, 11 percent responded no, and 30 percent responded that they were not sure. Many of the respondents indicated that it is important to gauge how important the connection to the tribe is for each NA on a caseload and make recommendations based upon that information. Additionally, some PPOs reported that the needs may differ based upon whether a person lives on or off the reservation. Similar to responses related to general responsivity, respondents identified culture, ceremonies, spiritual beliefs, connectedness to the tribes, and family involvement as being important. Other cited factors included the impact of generational alcohol/substance abuse, lack of trust, communication styles (including language barriers), historical trauma, Fetal Alcohol Syndrome, transportation issues, and lack of employment/educational skills and opportunities.

A key topic of interest from the RFI was to gauge the importance of PPOs being knowledgeable about and responsive to general and specific responsivity issues for NA individuals on their caseloads. Also important was for PPOs to learn about the steps their agency has taken, or they

have taken themselves, to become more educated on this topic. The survey invited participants to share what factors they considered when making recommendations for services and interventions for NA individuals on their caseloads. This was an open-ended question, so participants could respond with more than one factor. Table 1 describes the factors identified.

The highest percentages of federal (33 percent) and county (25 percent) respondents indicated that the level of cultural importance to the individual on supervision was a significant factor in making service and treatment recommendations, and both felt that transportation issues were the second-highest priority considered. For tribal probationers, the one officer who responded to this question indicated that having access to NA-specific programs, as well as NA providers, was most important. No responses were provided to this question by state officers.

When asked the level of flexibility PPOs felt they had in being able to adjust their supervision style based on individual responsivity factors, with 1 being “Not Very Flexible” and 10 being “Very Flexible,” 56 percent of respondents felt they had between an 8–10 range of flexibility in adjusting their supervision style, 39 percent felt they had between a 5–7 range of flexibility, and 5 percent believed they had 4 and below flexibility. The highest percentages of respondents from federal (66 percent), state (63 percent), and tribal (62 percent) agencies felt they had a range between 8–10 of flexibility, while the highest percentage of county respondents felt they had between a 5–7 range of flexibility in adjusting their supervision style to accommodate responsivity factors.

The survey also asked respondents to rank on a scale of 1-10, with 1 being not strong and 10 being very strong, their perception of their agency’s working relationship (shared resources and consistent problem-solving processes) with tribes in their jurisdiction. The majority of federal respondents (46 percent) indicated that the strength of their relationship fell in the 5–7 range. The remainder of federal respondents were almost evenly split between the below 4 range (24 percent) and 8–10 range (29 percent). The highest percentage of state and county respondents ranked the strength of their relationship with tribal jurisdictions as 4 and below (46 percent state and 45 percent county). In relation to the agency-level question, we asked respondents to share with us what their agency has done to help educate staff about general and specific responsivity factors of NA individuals on their caseloads. Table 2 contains the coded responses to the open-ended question by agency type.

As noted above, a high percentage of federal and county agencies have not provided training specific to NA individuals on community supervision, but these agencies do seem to be somewhat supportive of other means, such as peer-to-peer mentoring or attending tribal-specific and/or national conferences. For state officers, attending national conferences is the highest reported way agencies encourage officers to gain knowledge about supervising this population.

Often relationship-building between tribal and non-tribal colleagues occurs at the individual level and not necessarily at the agency level. Therefore, the RFI asked respondents to rank the strength of their individual working relationship (shared resources and consistent problem-solving processes) with tribal probation/parole agencies in their jurisdiction, with 1 being not strong and 10 being very strong. Thirty-eight percent of federal and state jurisdictions responded that their ranking fell between the 5–7 range, while 50 percent of county respondents ranked their personal relationships as four or below. In relation to the individual-level question, we asked respondents to share what they have done to help educate themselves about general and specific responsivity factors of NA individuals on their caseloads. In Table 3 are the coded responses to the open-ended question by agency type.

For federal PPOs, the highest percentage reported attending some kind of training (whether provided by their own agency or offered at a national conference or by a specific tribe), followed by engaging in peer-to-peer mentoring. A high percentage of state PPOs reported that talking with their tribal clients, tribal members, or tribal representatives was the primary way they educated

themselves about how to best work with NA individuals on their caseload, followed by attending training events. For county officers, the highest percentage indicated that they did nothing specific to educate themselves, followed by attending training, and then talking with tribal members.

[back to top](#)

## Recommendations

Below are recommendations for research, policy, and practice, informed by the review of the literature and our survey findings.

### *Research and Development, Risk and Needs Assessments, and Evaluation*

***Increase culturally relevant actuarial tools.*** Increase opportunities for the design, development, implementation, and validation of actuarial tools that are culturally relevant for NA individuals. To date, there has not been a risk and need tool validated or normed for NA populations. Holsinger et al. (2006) and Kane et al. (2011) have used NA data in attempts to understand the results of current tools. Kane and colleagues included focus groups with NA practitioners and stakeholders to understand what is needed to make actuarial tools more culturally relevant. This study also identified issues with the assessment process, rather than the tools used, noting the importance of building a relationship between the probationer and the officer to obtain an accurate or more informed assessment and to address other cultural competence needs of justice professionals and providers (Shearer & King, 2004).

**Table 1.**

| <b>Recommendation Factors</b>        | <b>Federal</b> | <b>County</b> | <b>Tribal</b> |
|--------------------------------------|----------------|---------------|---------------|
| Cultural importance                  | 33%            | 25%           |               |
| Education                            | 22%            | 7%            |               |
| Family Issues                        | 11%            | 14%           |               |
| Native American programming/programs | 7%             | 14%           | 100%          |
| Transportation                       | 24%            | 14%           |               |
| Native American providers            | 11%            | 11%           | 100%          |
| Motivation                           | 11%            | 9%            |               |
| Individuality                        | 4%             | 9%            |               |
| Financial Issues                     | 11%            | 7%            |               |
| Location                             | 11%            | 7%            |               |

**Table 2.**

| <b>Agency Education Support</b> | <b>Federal</b> | <b>State</b> | <b>County</b> | <b>Tribal</b> |
|---------------------------------|----------------|--------------|---------------|---------------|
| No trainings offered            | 25%            | 5%           | 55%           | 12%           |
| Tribal conferences              | 13%            | 4%           | 6%            | 12%           |
| Mentoring/Peer to Peer          | 15%            | 4%           | 14%           | 12%           |
| Limited training offered        | 13%            | 11%          | 5%            | 0%            |
| National Conferences            | 7%             | 40%          | 8%            | 12%           |

|                               |     |     |    |     |
|-------------------------------|-----|-----|----|-----|
| Some training offered         | 7%  | 7%  | 5% | 12% |
| Regular training offered      | 10% | 9%  | 1% | 4%  |
| Cultural sensitivity training | 2%  | 16% | 5% | 0%  |
| Tribal specific training      | 7%  | 4%  | 1% | 12% |

**Table 3.**

| <b>PPO Self-Education</b>        | <b>Federal</b> | <b>State</b> | <b>County</b> | <b>Tribal</b> |
|----------------------------------|----------------|--------------|---------------|---------------|
| Attended training                | 48%            | 21%          | 24%           | 46%           |
| Mentoring/Peer to Peer           | 27%            | 5%           | 5%            | 4%            |
| None                             | 8%             | 14%          | 32%           | 4%            |
| Talk with tribal clients         | 17%            | 25%          | 13%           | 8%            |
| Talk with tribal members         | 8%             | 16%          | 15%           | 8%            |
| Talk with tribal representatives | 21%            | 14%          | 7%            | 4%            |
| Self-Education                   | 10%            | 5%           | 10%           | 17%           |
| Reading                          | 10%            | 5%           | 13%           | 8%            |

**Increase RNR-focused research.** A study was done of the manualized cognitive behavioral health therapy (CBT) approach used with federal probationers in North Dakota, half of whom were NA supervisees. While this study indicated positive outcomes for NA individuals during their supervision, no follow-up research with participants was conducted to determine the long-term effectiveness of the CBT approach (Gottschalk & Mayzer, 2009). As noted earlier, tribal, state, and federal agencies handle NA supervisees with differing criminal histories and backgrounds. These and other relevant factors should be reflected in new study efforts.

**Employ participatory research strategies.** Increase participatory research and evaluation in partnership with tribal justice agencies to navigate the complexities of ethics, practice, and conflicting worldviews, and to increase better use of tribal or cultural-based resources, methods, and strategies. Research in a tribal context or with NA citizens requires participation and buy-in from the citizens and the program and tribal leadership. The U.S. Office of Juvenile Justice and Delinquency Prevention is currently funding an evaluation of three Tribal Green Reentry Programs that has included interviews with program staff and stakeholders, youth participants and their parents, and community focus groups with elders and parents. This collaborative evaluation is providing useful knowledge for informing program design, specifically for incorporating cultural values, strengths, and resources into programming (Lindquist, Melton, McKay, & Martinez, 2011; Melton, Martinez & Melton, in press).

**Design cultural-based programs.** Programs incorporating culture or built upon cultural values, methods, or practices have not received sufficient evaluation to be considered evidence-based practices (EBP), which is the gold standard for program evaluation and replication. To address these concerns and to give successful programs the recognition they deserve, another standard, practice-based evidence (PBE), has emerged. PBE refers to methods and/or approaches that have longstanding usage but that have not been formally evaluated or researched. Rather, PBE outcomes are often collected through focus groups, surveys, case reviews, and self-reporting, among other methods (Echo-Hawk, 2011; NICWA, 2013). Tribal or culture-based methods and approaches, such as healing ceremonies, spirituality, hands-on cultural classes, talking circles, among others that are incorporated into case management plans or treatment interventions, fit the PBE definition.



While many of these approaches have not been evaluated, they continue to be requested and/or desired by service recipients, service providers, and tribal leaders to help NA individuals in need of intervention or support. Several fields outside of criminal justice have included PBE in preventive medicine, treatment, mental or behavioral health therapy, and substance abuse counseling (Isaacs, Huang, Hernandez, & Echo-Hawk, 2005). These practice-based interventions or treatment are drawn from and accepted by the local community where many NA individuals live. The PBE approach is an important consideration, especially when deciding on adapting an EBP or building to existing cultural-based interventions (Greenfield et al., 2013; Novins, 2009) that correspond to the local definitions of wellness and dysfunction. Program design should include ways to collect cultural performance measures that can be used to assess individual progress and program success.

[back to top](#)

### *Policy Recommendations*

***Establish cultural performance measures for programs and job performance.*** Establish cultural education as a job performance measure at all levels of the criminal and juvenile justice system, with particular focus on implementing the responsivity principle for matching service delivery, i.e., types of services and by whom services are delivered. Culture is an important resource that can add to the responsiveness of case plans and treatment interventions. Probation and parole agencies should consider the following aspects in their design (Melton & Chino, 2009). First, programs should provide cultural education for agency professionals and paraprofessionals to increase their ability to become culturally sensitive, informed and competent. That is, staff should be knowledgeable about the tribal history, language, beliefs, practices, and socioeconomic and other cultural nuances of the NA individuals' tribes the agency serves, and apply this knowledge to their work. Second, programs need to incorporate interventions and remedies that reflect the culture of the tribe being served. Third, actuarial tools should be designed to help identify the NA individuals' culturally-specific needs and provide services accordingly.

There are many circumstances that contribute to some NA individuals' cultural knowledge and experience, particularly those that have been disconnected from their community or culture due to off-reservation incarceration, school, work, or military service, among other factors. It is important to make cultural resources available as they are identified through risk and needs assessments. Finally, it is important for programs to promote all cultural education, incorporate cultural interventions, and assess cultural needs in order to adequately address the needs of the NA individual to determine the most appropriate course of action.

***Develop policies that support cultural strategies.*** Identify all possible policy levels to incorporate provisions that support cultural education and competence by criminal and juvenile justice practitioners, administrators, and policy makers. For example, the New Mexico Children's Code (§32A-1-8 NMSA et. seq.) mandates that the state provide access to culturally relevant treatment and services for Indian youth. Furthermore, under Article 18 Cultural Recognition (§32A-18-1-4), different justice professionals are required to receive periodic training to develop knowledge about the impact of ethnicity on a child's needs. Required training includes cross-cultural dynamics and sensitivity, child development, culturally appropriate treatment plans, alternative health practices, and three other areas. These laws are further supported by the NM State-Tribal Collaboration Act, which requires Cabinet-level agencies to develop policies that promote beneficial collaboration between the state and tribal governments, designate agency tribal liaisons, provide for culturally-appropriate training to state agency employees who work with tribes, and provide annual reporting that accounts for each agency's accomplishments under the Act.

***Increase intergovernmental relations and agreements strategies.*** Establish intergovernmental relations and agreements with tribal governments that include strategies for engagement and

interaction, multiple and varied communication, cross-jurisdictional and cross agency education, multidisciplinary education, peer-to-peer mentoring opportunities, and other areas to improve intergovernmental cooperation and collaboration. These relationships can also help educate tribal agencies about approaches being used by state and federal agencies and share information with non-tribal practitioners regarding the tribal history, language, beliefs, practices, and socioeconomic and other cultural nuances. This knowledge can then inform the development of cultural performance measures for programs and job performance policies described above and the impact of personal interactions between NA supervisees and their PPOs.

[back to top](#)

### *Practice Recommendations*

***Increase opportunities for cultural education and skill building.*** Increase training for non-Native staff on different interviewing methods that are aimed at improving their communication and interaction skills and abilities for interviewing NA individuals.

Motivational Interviewing (MI) is one method being used to improve the responsivity of NA supervisees. MI is a person-centered communication style for assisting individuals who are ambivalent about behavior change. The style entails collaboratively pulling for individuals' internal motivations for change, as opposed to communicating in a confrontational manner and prescribing a method or rationale for change (Miller & Rollnick, 2013). MI has been widely implemented nationally and internationally, with more than 180 randomized clinical trials supporting its effectiveness with a variety of populations and targeted behaviors (Hettema, Steele, & Miller, 2005; Rubak, Sandbaek, Lauritzen, & Christensen, 2005).

A number of theorists and researchers have discussed how well MI is positioned for cultural congruence with many NA cultures (Guilder et al., 2011; Hettema et al., 2005; Villanueva, Tonigan, & Miller, 2005; Woodall, Delaney, Kunitz, Westerberg, & Zhao, 2007). This is primarily because the MI approach avoids confrontation, emphasizes supporting one's autonomy and choices, and promotes the client-centered style of communication found in the model (Hettema et al., 2005). Others point out that MI may be particularly useful for NA populations when their autonomy or choices have been restricted in some capacity, as we see with criminal justice involvement (Woodall et al., 2007). Correspondingly, others suggest MI is beneficial when one is in a precontemplative stage of change, or is ambivalent about changing, as we often see with mandated clients (such as probationers) (Guilder et al., 2011; Miller & Rollnick, 2013).

Similar to the RNR research, MI research with NA populations is scarce. Despite the limited literature in this area, in looking at the MI and NA literature more broadly, we see evidence of the effectiveness of MI with NAs in the areas of: smoking cessation, reducing alcohol consumption, engaging in HIV testing, reducing fetal alcohol syndrome rates, and other health-related behaviors (Daley et al., 2010; Foley et al., 2005; May et al., 2008; Woodall et al., 2007). Perhaps more promising were the findings from a large meta-analysis conducted by Hettema, Steele, and Miller (2005), reviewing 72 clinical MI trials, in which the researchers found that not only was MI often significantly more effective than control conditions (e.g., models such as cognitive behavioral therapy or 12-Step approaches), but it was significantly more effective with ethnic minorities than with white study participants, with an effect size of .79 versus .26, respectively. The effect was most pronounced with NA participants, as opposed to the African-American and Hispanic participants in the study samples.

The findings outlined above suggest that the utility of MI with the NA community, and corrections agencies across the U.S. have already begun MI training for line staff and others. Comprehensive MI training and coaching with PPOs could precede the use of MI with NA supervisees. The MI training literature indicates that training alone is often insufficient for

sustainable implementation of an MI approach; what appears to be most effective is a combination of training, feedback (such as feedback on a recorded work sample or live observation of an interview), and ongoing coaching (Miller, Yahne, Moyers, Martinez, & Pirritano, 2004). With these findings in mind, it might be most useful for officers to: 1) attend an MI workshop or training, 2) submit work samples to a supervisor or onsite MI coach for feedback (e.g., a recording of an intake or regular office visit with a probationer, or alternatively, live observation), and 3) participate in ongoing supervision with a unit supervisor or onsite coach proficient in the use of MI. Implementing MI in officers' communications with NA supervisees by these means has the potential to break down the barriers to responsivity often created by more confrontational approaches.

***Support for officers' cultural competence.*** Adopting a culturally responsive approach with NA will involve increasing an officer's cultural competency, which SAMHSA (2009) defines as the ability to function effectively in the context of cultural differences based on five elements:

1. Awareness, acceptance, and valuing of cultural differences.
2. Awareness of one's own culture and values.
3. Understanding of the range of dynamics that result from the interaction between people of different cultures.
4. Development of cultural knowledge of the particular community served or accessing cultural brokers who may have that knowledge.
5. Ability to adapt individual interventions, programs, and policies to fit the cultural context of the individual, family, or community.

It will be important for tribal, state, and federal agencies to create opportunities to help officers become culturally informed and competent using the strategies identified in the Recommendations sections above and below.

***Increase cross-jurisdictional education aimed at building relationships.*** Agencies should encourage peer-to-peer mentoring and collaboration across jurisdictional boundaries to increase knowledge about and access to culturally-based services and interventions. There are a variety of examples of how tribal and non-tribal justice agencies are exploring cross-jurisdictional relationships to better the outcomes among NA citizens involved in non-tribal justice systems. For example, joint jurisdictional courts, cross-deputization law enforcement agreements, and collaborative community supervision partnerships are becoming more prevalent to better unite agencies together for the common goal of helping tribal members access needed services and break the cycle of justice-system involvement. An excellent resource for staying abreast of current activities around cross-jurisdictional collaboration is a website funded by the U.S. Department of Justice, Bureau of Justice Assistance, Walking on Common Ground ([www.walkingoncommonground.org](http://www.walkingoncommonground.org)).

***Support ongoing education for practitioners.*** Agencies should continue to explore ways that PPOs can educate themselves (through online training, peer-to-peer meetings, conversations with tribal clients, members, and representatives, talking/listening sessions, etc.) to continue the dialogue and education process around what works best for NA supervisees involved in the criminal and juvenile justice system. The survey reflects that PPOs from all agency types report low levels of opportunities for training and education to work with NA individuals on community supervision caseloads.

The state of Minnesota was funded in 2012 under the Smart Probation program; their proposed target areas included exploring "a culturally sensitive supervision approach in northern Minnesota,

where a disproportionate number of probationers are American Indians” (MN Smart Probation Grant Application, pg. 1). Tasks in their program included bringing in consultants to present American Indian history and trauma impacts to state PPOs and cataloging culturally-relevant resources and developing a new model for cognitive behavioral programming which included a team-teaching approach by a tribal and non-tribal representative. Other state agencies have explored similar strategies of inviting tribal representatives of tribes that they regularly supervise individuals from or work with to open the lines of communication and engage in collaborative learning opportunities designed to improve the outcomes for NAs on supervision.

***Consider responsivity issues in case planning.*** It is important for PPOs to make referrals to programs and interventions that match individual responsivity factors. For example, if an individual has strong ties to and beliefs in his or her tribe’s culture and practices, the person supervising that individual should seek out and incorporate into the supervision plan appropriate culturally-based programming (Cobb, Mowatt, & Mullins, 2013).

***Know your programs.*** It is important for PPOs to be familiar with and knowledgeable about the programs they are using for individuals on supervision (Cobb, Mowatt, & Mullins, 2013). Programs that base their services on evidence-based practices for risk reduction (e.g., cognitive behavioral interventions) and use curricula as intended are preferred. It is also important for PPOs to understand the programs they may refer individuals to that take place within reservation borders or that are based on cultural practices (such as sweat lodges, healing circles, etc.). Having this information will help the PPO advocate for using such programs with other NA individuals on supervision.

[back to top](#)

## Conclusion

Those whose cultural heritage is NA can benefit from the ongoing refinement of the application of the RNR model and specifically the Responsivity Principle. As our survey of officers demonstrates, there is interest among officers in improving their ability to effectively engage NA individuals in order to help them change their lives, in part for gaining for those officers a greater understanding of how to work with NA individuals, their tribal communities, and tribal governments.

[back to top](#)

## [References](#)

The articles and reviews that appear in *Federal Probation* express the points of view of the persons who wrote them and not necessarily the points of view of the agencies and organizations with which these persons are affiliated. Moreover, *Federal Probation's* publication of the articles and reviews is not to be taken as an endorsement of the material by the editors, the Administrative Office of the U.S. Courts, or the Federal Probation and Pretrial Services System. Published by the Administrative Office of the United States Courts [www.uscourts.gov](http://www.uscourts.gov)  
[Publishing Information](#)