

**Arizona State, Tribal, and Federal Court Forum**  
**Issue Summary**  
**Probation Supervision on Indian Reservations**

**Problem:** A person convicted of a crime committed within the jurisdiction of the state or an Indian tribe may be sentenced to supervised probation and may wish to reside within the jurisdiction of another tribe. There are currently no consistent procedures for supervision of a person sentenced to probation by the state or an Indian tribe who resides within the jurisdiction of another Indian tribe. This situation has the following potential consequences:

1. Safety risks for probation officers and tribal and federal law enforcement officers due to lack of coordination.
2. Potential legal issues regarding arrest and extradition.
3. Safety risks of additional crimes for Arizona communities on and near Indian reservations.
4. Potential state liability for injury to the victims of additional crimes.
5. Denial of probation to reservation residents due to the inability to provide supervision.
6. Denial of the opportunity to reside on an Indian reservation due to the inability to provide supervision.
7. Loss of the benefits of supervised probation as a sentencing option.
8. Inability to supervise probationers coming from out of state to reside on Arizona Indian reservations under the Interstate Compact or from other counties by inter-county transfer.

**Response:** The following options for establishing agreed upon procedures for supervision of probationers have been used, proposed or suggested.

1. Intergovernmental agreement between a state probation department and an Indian tribe providing for supervision of state probationers within the tribal jurisdiction by state probation officers.
2. Intergovernmental agreement between a state probation department and an Indian tribe providing for supervision of state probationers within the tribal jurisdiction by tribal probation officers.
3. Tribal court order recognizing and enforcing each state probation order and authorizing a state probation officer to supervise a state probationer within the tribal jurisdiction.
4. Interstate probation compact adapted to apply among the State of Arizona and Indian tribes that adopt it and providing for probation supervision by the receiving jurisdiction.

**Action:** Regional meetings between each tribe and the probation departments in the county in which each tribe is located.