



## SHINGLE SPRINGS BAND OF MIWOK INDIANS TRIBAL COURT

A Handout for Court Patrons



# What is Tribal Probation?



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## About Us

The Shingle Springs Tribal Court provides a culturally-sensitive, independent judicial forum. Indian tribes retain inherent sovereign powers over their members and territory. In 2009, the Shingle Springs Band of Miwok Indians established a Tribal Court to uphold the Tribe’s codes and ordinances and to enforce state court orders. Over the years, the Tribal Court has expanded its work to provide the most complete services possible.

The objective of the Tribal Court is “to discover the truth and, to the extent possible, seek a resolution which restores balance to the community in accordance with the customs and traditions of the Tribe, repairs relationships, results in fairness and avoids principles of retribution and punishment.” —SSBMI Government Code, Title 10, Article 2, Section 3

# What is Probation and What Does a Probation Officer Do?

Probation is a period of time, usually set by a court as part of a court case, when an individual checks in with their assigned Probation Officer and/or follows a plan which usually sets requirements for activities such as classes, counseling, drug testing, child visitation, etc. The Probation Officer monitors a person's progress with their plan and provides written progress reports to the court. Counties operate their own probation departments where county Probation Officers are assigned to individuals for monitoring. The Tribe also has a Probation Officer to monitor individuals who have active, open cases in Tribal Court or who have active, open Wellness Plans through the Wellness Board. The Tribal Probation Officer can also perform additional duties such as:

- Attend SARB meetings held by El Dorado County Department of Education
- Conduct home visits and curfew checks
- Conduct checks with school or education departments (both county and Tribal) to monitor attendance or to learn about discipline incidents
- Accompany and/or transport Tribal Members from the Rancheria into a rehabilitation program
- Investigate, verify, and present reports to the Tribal Court on personal, social, educational, financial, vocational, health and prior criminal history of offenders
- Testify in court about the status of an individual, including providing recommendations to the court
- Test individuals for substances in their system (i.e. drug/alcohol testing)
- Accompany Tribal Members to State Court for their criminal court cases
- Hold classes on specific issues of interest on juvenile justice



# What Cases are Eligible for Coverage by Tribal Probation?

- Family Wellness Court cases (such as SARB/truancy cases)
- Government Code violation cases (such as drug possession cases) of Tribal Members
- Other Tribal Court cases, as assigned by the Judge
- Wellness Board cases, as assigned by the board
- Limited county court cases (typically only from El Dorado County and only where the individuals have ongoing cases in Tribal Court as well)

## Is the Tribal Probation Officer Available to Drug Test Individuals?

The Tribal Probation Officer can conduct court-ordered drug testing and can administer tests in two forms: mouth swabs or urine tests. Once the Tribal Probation Officer conducts a drug test, the office keeps a record of the results. The results can be released to the Tribal Court as part of the Tribal Probation Officer's report. In addition, the Probation Officer can oversee an ankle monitoring system for those with alcohol-based violations but only for those who have a court-ordered ankle monitor or those who enter voluntary Wellness Board plans which include ankle monitors.

## **Can the Tribal Probation Officer Be My Probation Officer for My State Court Case?**

The Tribal Probation Officer cannot function as your state or county Probation Officer. However, the Tribal Probation Officer can accompany you to your county court case. The Probation Officer can also sit in on your hearing and explain what the court says that you must do in your probation plan. If you have problems contacting your Public Defender or your county Probation Officer, the Tribal Probation Officer can help you get in touch with them.

## **Can the Tribal Probation Officer Attend the SARB Meetings With Me and My Children?**

The Tribal Probation Officer attends School Attendance Review Board (SARB) meetings. If it is necessary for you to attend one of these hearings, you can reach out to the Tribal Probation Officer and let the officer know that you were served notice to attend. Tell the officer the time and date of your meeting and share any information about the allegations being made by the county. Please note that just because the Probation Officer can attend does not mean that you do not have to attend. If you receive notice for a SARB meeting or hearing, you must attend.



# **What is the Connection Between the Tribal Probation Officer's Work and the Family Wellness Court?**

The Family Wellness Court (FWC) depends upon the work of the Probation Officer to monitor the family's compliance with court orders and to report this information to the court. One of the most common ways a case comes into the FWC is through the SARB process; when a child repeatedly misses school days or is tardy to school on many occasions. The Probation Officer's monitoring may include check-ins with school officials on grades, attendance and assignments and check-ins with Tribal Services to monitor counseling appointment attendance and interviews with the children and families involved in FWC cases. The Probation Officer may also conduct scheduled and random drug/ alcohol testing. The FWC may also assign the Probation Officer to monitor other types of FWC cases. Information collected by the Probation Officer is reported to the FWC prior to a hearing. Information obtained by the Probation Officer remains confidential and is not available to those outside of the immediately affected family and Tribal departments.

# How Do I Contact My Tribal Probation Officer?

You can call Tribal Probation Officer Yolanda Tayaba at (530) 409-1313 or email [ytayaba@ssband.org](mailto:ytayaba@ssband.org). You can also drop by the Tribal Court offices for an in-person visit but if the Probation Officer is busy or not available, you may need to make an appointment or come back when she is available.





## Contact Us

**Location:** 5281 Honpie Road, Placerville, CA 95667


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