



Minnesota Department of Public Safety

Tribal Consultation Policy

No. 1010

Applicability: All DPS employees

POLICY

The Department of Public Safety recognizes the unique legal relationship between the State of Minnesota and the Minnesota Tribal Nations, respects the fundamental principles that establish and maintain this relationship and accords the tribal nations the same respect accorded to other governments. The department recognizes that meaningful and timely consultation between the department and tribal nations will facilitate better understanding and informed decision-making on identified matters of mutual interest. Accordingly, it is the policy of the department to conduct meaningful and timely communication and consultation with tribal nations.

DEFINITIONS

Communication:

Communication is the informal communication process developed between department employees and tribal members. This policy is not intended to interfere with routine communication between department employees and tribal members.

Consultation:

Consultation is a formal process to communicate and collaborate with tribal nations on priority issues to exchange information and receive input on an action that may significantly affect the tribal nations and their members with the goal of achieving mutually beneficial solutions.

Consultation Process:

The consultation process can be initiated by either the department or one or more tribal nations. Because of the wide variety of topics that may be the subject of consultation between the department and the various tribal nations, the structure of any specific consultation may vary. However, all consultations must conform to the following principles for all parties:

- Provide timely and adequate notice;
- Be accessible and convenient;
- Be meaningful; and
- Be conducted through a transparent and accountable process.

Significantly Affects:

An action significantly affects tribal nations if there is a reasonable belief that the action has or may have a substantial impact on one or more of the following:

- Tribal members of one or more tribal nations;
- A significant change in program delivery;
- The relationship between the department and one or more tribal nations; or
- The distribution of authority and responsibilities between the department and tribal nations.

Priority Issue:

A priority issue is an issue identified by the department in consultation with tribal nations. Priority issues will be established annually but no later than February 1 of each year. Priority issues may change through consultation between the participants.

Minnesota Tribal Nations:

The eleven (11) federally recognized tribes in Minnesota are: Bois Forte Band of Chippewa; Fond du Lac Band of Lake Superior Chippewa, Grand Portage Band of Lake Superior Chippewa, Leech Lake Band of Ojibwe, Lower Sioux Indian Community, Mille Lacs Band of Ojibwe, Prairie Island Indian Community, Red Lake Nation, Shakopee Mdewakanton Sioux Community, Upper Sioux Community and White Earth Nation.

ROLES AND RESPONSIBILITIES**Commissioner of Public Safety:**

The Commissioner of Public Safety will designate the department tribal liaison and participate as necessary in the consultation process. The Commissioner will encourage all division directors to attend available training to improve their understanding of tribal history, culture and government-to-government relationships.

Department Tribal Liaison:

The department's tribal liaison is designated by the Commissioner and serves as the department's principal point of contact for the tribal nations and coordinates the consultation process. The tribal liaison will consult with the tribal nations prior to February 1 of each year to identify priority issues for consultation. The tribal liaison will ensure consultation with the tribal nations before the department takes any significant action related to the identified priority issues. The tribal liaison will maintain a record of all department consultation activities.

Division Directors:

Division directors will ensure that their employees are aware of this policy and identify those employees who should receive training to improve their understanding of tribal history, culture and government-to-government relationships. Division directors will notify the department tribal liaison before taking any action related to the identified priority issues. When the division director determines that an action affects a priority issue, the director will notify the department tribal liaison, who will coordinate the consultation process as appropriate. The division director will also participate in the annual identification of priority issues for consultation. The division directors who have responsibility over employees who work directly with tribal nations will attend available training to improve their understanding of tribal history, culture and government-to-government relationships.

Department Employees:

Department employees who work directly with tribal nations will receive training to foster a collaborative relationship between the department and the tribal nations. Department employees will identify any action within their program area that meets the consultation criteria and notify their division director of the potential need for consultation with one or more of the tribal nations.

ADDITIONAL RESOURCES

Minnesota Executive Order 13-10

Policy Owner: Department Tribal Liaison
Effective Date: 3/3/2014
Origination and Revision Dates: 3/3/2014