

Minnesota Department of Corrections

Policy:	101.140	Title: Consultation with American Indian Tribal Nations
Issue Date:	3/12/14	
Effective Date:	3/12/14	

AUTHORITY: Governor Executive Order 13-10

PURPOSE: To encourage and ensure meaningful involvement of tribal nations in decision-making through consultation with the Department of Corrections in matters affecting tribal nations and American Indian people. To promote collaboration and consultation between the agency and Minnesota Tribal Nations.

APPLICABILITY: Minnesota Department of Corrections (DOC); department-wide

POLICY: The DOC strives to build better government-to-government relations with all federally recognized Minnesota Tribal Nations. The DOC recognizes the disproportionate number of American Indians in the criminal justice system both incarcerated and under community supervision. The agency strives to work with tribal governments to collaborate on ways to improve communication in order to lower recidivism rates for American Indians, as well as all offenders. The DOC is committed to ensuring our mission of reducing recidivism by promoting offender change through proven strategies during safe and secure incarceration and effective community supervision which includes finding strategies to address the unique needs of American Indians.

DEFINITIONS:

American Indian/Alaska Native - persons having origins from any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

Consultation - consultation is a process of meaningful communication and coordination between the DOC and tribal nations prior to taking action which may impact the tribes. Consultation may include a number of different methods with various levels of tribal government and agency staffing. This policy strives to meet a level of consultation to provide sufficient direction for the purpose of achieving outcomes which benefit both the American Indian population and the DOC.

Minnesota Tribal Nations - tribal nations are protected under the U.S. Constitution Article I, Section 8, which vest the all branches of government to engage in relations with tribe. In 1830, U.S. Supreme Court Justice John Marshall stated, "That tribes possess a nationhood status and retain inherent powers of self-government." In Minnesota, the federally recognized tribes are: Boise 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.

PROCEDURES:

- A. The DOC consults biannually with each of the Minnesota Tribal Nations to identify priority issues for further consultation. This policy follows these principles:
1. Acknowledgement of the unique relationship between the federal government, state government, and tribal nations;
 2. Commitment to a government-to-government relationship with all federally recognized

tribes within Minnesota;

3. Recognition of tribes as the appropriate parties for making their policy decisions and managing programs for their constituents;
4. Continuity of effective partnerships with tribal nations on affordable housing development; and
5. Work with tribal nations to develop DOC policies and programs that meet the needs of American Indian offenders returning to their tribal nation.

B. This policy addresses the issues of:

1. The commissioner and/or her/his assigned staff, at a minimum, biannually visits tribal nations to discuss existing and future partnerships. The agency collaborates with appropriate state and tribal staff to increase understanding of any proposed action and to enhance development of effective outcomes and solutions. These meetings:
 - a) Establishes preferred methods of communication (formal or informal);
 - b) Looks at issues or areas of tribal interest relating to the DOC's programs or activities;
 - c) Collaborates or cooperates on opportunities which may be mutually beneficial; and
 - d) Provides the DOC best practices and tribal best practices to explore solutions to reduce recidivism in the American Indian population and promote public safety on reservation land.
2. The DOC has developed and solicits tribal input on a biannual list of priority issues for consultation with tribal nations and determines the most appropriate consultation path for each issue.

C. Staff are provided information and training on American Indian culture. Consistent with DOC training guidelines, a program has been developed which addresses the unique training needs of DOC employees to better understand tribal governments, histories, cultures, and traditions of American Indians.

INTERNAL CONTROLS:

- A. Documentation of priority issues for consultation is retained by the commissioner and/or his/her assigned staff in an electronic form.
- B. Yearly meetings appear on an iShare calendar.
- C. Staff training is documented in the training management system (TMS).

REVIEW: Annually

REFERENCES: None

SUPERSESSION: All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

/s/

Deputy Commissioner, Facility Services