DEPARTMENT OF CORRECTIONS

Policy Number:	**101.140**
Title:	**Consultation with American Indian Tribal Nations**
Effective Date:	**5/13/25**

PURPOSE: To ensure timely and meaningful involvement of Tribal Nations in decision-making through consultation with the Minnesota Department of Corrections (DOC) in matters affecting Tribal Nations and American Indian people. To promote collaboration and Consultation between the agency and Minnesota Tribal Nations sharing geography with the state of Minnesota.

This policy acknowledges the unique relationship between the federal government, state government, and Tribal Nations; a commitment to a government-to-government relationship with all federally-recognized Tribal Nations within Minnesota; and a recognition of Tribes as the appropriate parties for making their policy decisions and managing programs for their constituents.

The DOC strives to build positive government-to-government relations with all federally recognized Tribal Nations sharing geography with the state of Minnesota. The DOC recognizes the disproportionate number of American Indians incarcerated in the criminal justice system and under community supervision.

APPLICABILITY: Minnesota Department of Corrections, Department-wide

DEFINITIONS:

American Indian/Alaska Native – person having origins from any of the original peoples of North America and who maintains cultural identification through Tribal affiliation or community recognition.

Collaboration – in a timely manner, agency and Tribal staff implement shared priorities through ongoing communication and active efforts.

Coordination – in a timely manner, agency and Tribal leadership work together to develop and elevate shared priorities.

Consultation –a formal engagement between agency officials and the governing body or bodies of an individual Minnesota Tribal government on policy matters that have Tribal implications. Formal meetings or communication between top agency officials and the governing body of a Minnesota Tribal government is a necessary element of consultation.

Matters That Have Tribal Implications – rules, legislative proposals, policy statements, or directives that have substantial direct effects on one or more Tribal Nation sharing geography with the state of Minnesota, or on the distribution of power and responsibilities between the state and those Tribal Nations.

Timely and Meaningful – done or occurring at a favorable or useful time that allows the result of Consultation to be included in the agency's decision-making process for a matter that has Tribal implications.

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

Sharing geography with the state of Minnesota, the eleven federally-recognized Tribal Nations are:

Boise Fort Band of Chippewa / Zagaakwaandagowininiwag;
Fond du Lac Band of Lake Superior Chippewa / Nah-gah-chi-wa-nong;
Grand Portage Band of Lake Superior Chippewa / Gichi-Onigaming;
Leech Lake Band of Ojibwe / Gaa-zagaskwaajimekaag;
Lower Sioux Indian Community / Cansa'yapi;
Mille Lacs Band of Ojibwe / Misi-zaaga'iganiing;
Prairie Island Indian Community / Tinta Wita;
Red Lake Nation / Mishwaagamiiwi-Zaagaiganing;
Shakopee Mdewakanton Sioux Community / Medwakanton;
Upper Sioux Community / Pezihutazizi/Oyate; and
White Earth Nation / Gaa-waabaabiganikaag.

PROCEDURES:

A. The agency must collaborate with Tribal governments on ways to improve communication for the purpose of lowering recidivism rates for American Indians, as well as all incarcerated people. The DOC is committed to ensuring our mission by promoting behavior change through proven strategies during safe and secure incarceration and effective community supervision; this includes finding strategies to address the unique needs of American Indians. The DOC must also develop and maintain policies and programs that meet the needs of American Indians returning to their Tribal Nations.

B. Responsibilities:

1. **Commissioner**

a) Engage in formal Consultation at least annually and as often as deemed necessary or when invited by Tribal Nations.

b) Ensure senior leadership understands and implements the requirements of this policy.

c) Actively support and ensure the underlying principles of this policy.

d) Appoint a Tribal Liaison.

e) Represent the agency on the Minnesota Indian Affairs Council Board (MIAC) as a non-voting member.

f) Attend quarterly MIAC board meetings and provide information on matters of mutual interest and/or Tribal impact. In the commissioner's absence, assign an agency representative with authority to speak on behalf of the agency.

2. **Tribal Liaison**

a) Facilitate Consultation in accordance with this policy and, in consultation with the commissioner:

(1) Identify and define appropriate corrections-initiated issues for Consultation; and

(2) Evaluate the adequacy of all Consultation.

b) Ensure all Tribal Nation requests for Consultation are delivered to the commissioner in a timely manner.

c) Ensure that corrections program and Consultation practices are consistent with this policy.

d) Ensure that a formal record of the Consultation is maintained.

e) Identify the appropriate and essential corrections staff necessary for Consultation and/or coordination.

f) Assist the commissioner and attend MIAC board meetings.

3. **Employees**

a) Read, understand, and adhere to this policy.

b) All staff whose work is deemed likely to impact Tribal Nations and their citizens are required to attend Tribal State Relations Training (TSRT). Senior level staff shall be required to attend TSRT within one year of appointment.

c) Staff are provided information and training on American Indian culture. Staff training is documented in the agency-approved electronic training management system.

d) Coordinate and cooperate with Tribal counterparts in a manner that works to increase understanding, builds positive relationships, and furthers the DOC mission to reduce recidivism through behavior change.

e) Staff shall explore solutions to reduce recidivism in the American Indian population and promote public safety in Indian Country.

f) Utilize culturally responsive programs when available and practical. Encourage and support client attendance and participation in cultural events and spiritual ceremony when requested.

INTERNAL CONTROLS:

A. Documentation of priority issues for consultation is retained by the commissioner and the commissioner's assigned staff in an electronic form.

B. Updates are recorded in MIAC minutes or on shared minutes with individual Tribal governments.

C. Staff training is documented in the agency-approved electronic training management system.

REFERENCES: Minn. Stat. § 10.65

REPLACES: Policy 101.140, "Consultation with American Indian Tribal Nations," 11/3/20. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVALS:
Commissioner of Corrections