DEPARTMENT OF CORRECTIONS

Policy Number:	**101.140**
Title:	**Consultation with American Indian Tribal Nations**
Effective Date:	**11/3/20**

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. 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.

APPLICABILITY: 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.

Consultation –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 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." 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 department of corrections (DOC) maintains regular contact with all tribal nations through attendance at meetings of the Minnesota Indian Affairs Council (MIAC) and also through individual or collective meetings with tribal nations on matters of mutual interest as requested or invited by tribal nations. This includes:
   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 following issues:
1. The commissioner and the commissioner's assigned staff consult with 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) Establish preferred methods of communication (formal or informal);

   b) Look at issues or areas of tribal interest relating to the DOC's programs or activities;

   c) Collaborate or cooperate on opportunities which may be mutually beneficial; and

   d) Provide 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. Documentation of these priority issues is retained by the commissioner and the commissioner's assigned staff in electronic form.

3. Updates are recorded in MIAC minutes or on shared minutes with individual tribal governments.

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

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.

ACA STANDARDS: 4-4005, 2-CO-1A-15

REFERENCES: Governor's Executive Order 13-10 [Governor Mark Dayton, 2013]
Governor's Executive Order 19-24 [Governor Tim Walz, 2019]

REPLACES: Policy 101.140, "Consultation with American Indian Tribal Nations," 4/2/19.

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

ATTACHMENTS: None

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Criminal Justice Policy, Research, and Performance