

Preparing to Return Home: Tribal and State Reentry Collaborations

April 23, 2015

3:00 -4:30 pm ET

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This webinar is being presented today with funds from the Bureau of Justice Assistance.



Presenters



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Webinar

Preparing to Return Home: Tribal and State Reentry Collaborations

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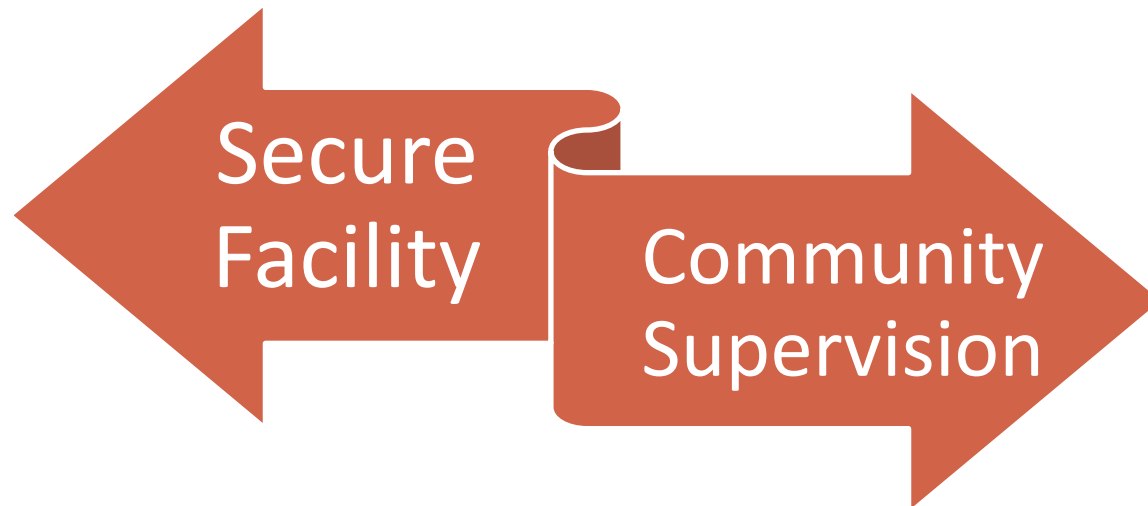
Talking Points

- What is Reentry?
- Key Elements of Reentry
- The Challenge of Reentry *(for tribes specifically)*

Reentry Defined

Reentry is a seamless process that begins with an individual's intake in a facility and continues with his/her reintegration into the community.

Release includes a period of formal community supervision.



Reentry Defined

“Reentry is a process...
not an event.” (pg. 15)



Strategies for Creating
Offender Reentry Programs
in Indian Country

Includes:

- *Justice System*
- *Individual*
- *Family*
- *Community*
- *Victim(s)*
- *Community programs & services*

Reentry Defined

- Reentry is the process of leaving prison and returning to society.
 - Reentry is not a form of supervision, like parole.
 - Reentry is not a goal, like rehabilitation or reintegration.
 - Reentry is not an option.

But They All Come Back: Facing the Challenges of Prisoner Reentry by Jeremy Travis

They all come back.

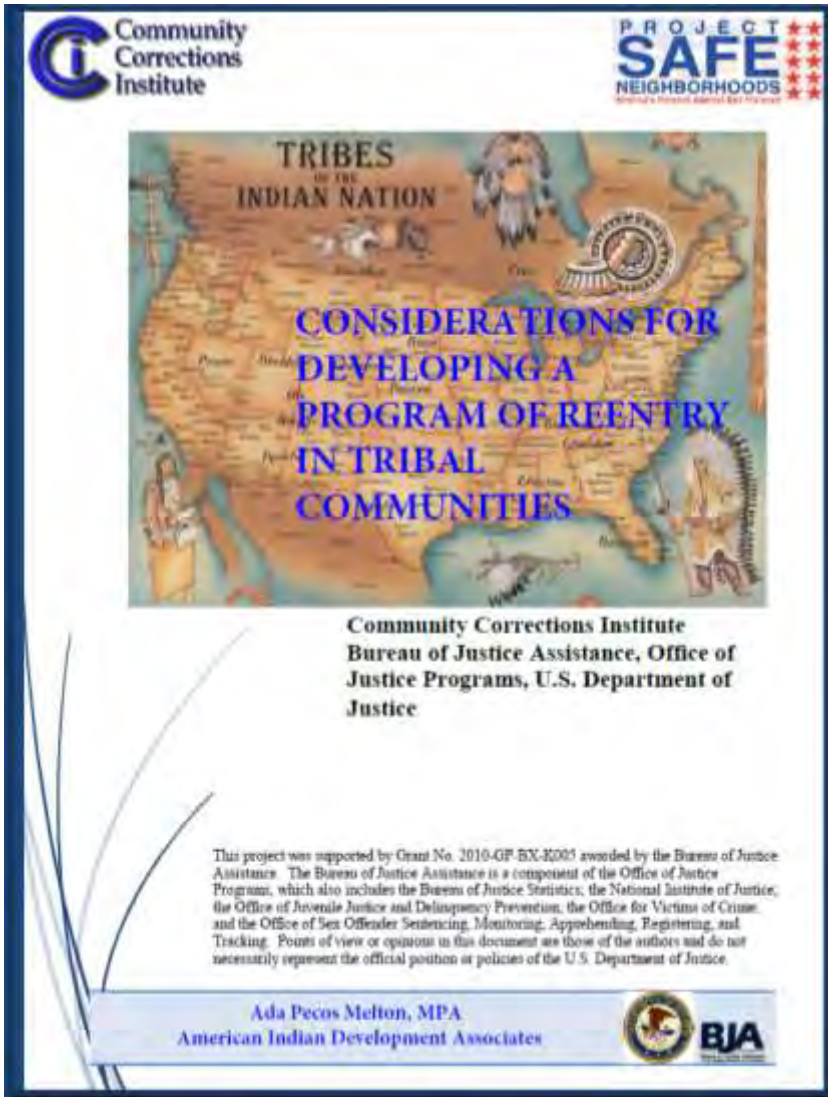
The Challenges..

- Lack of data about tribal members being incarcerated in non-tribal facilities.
 - Who is being incarcerated
 - For what crimes
 - What are their transitional needs
- Poor or weak relationships between communities and facilities
 - What are their transitional needs
 - Can the communities meet the needs
 - Who will supervise
- Serving non-tribal members who live on the reservation/in the community

The Challenges

- Family Reunification
 - Children
 - Spouse/Significant Others
 - Parents
 - Siblings/Relatives
- Community Reunification
 - Elders
 - Tribal Leaders
 - Community Members
- Surprise returns back to the community

The Challenges



Reentry should not be
“an eleventh hour activity that strains everyone’s ability to develop an effective and supportive plan”. (pg. 5)

Key Elements of Reentry



Planning for confinement:

- Risk and Need Assessment
- Assignment to Services/Interventions
- Release Planning

Planning for release day:

- Resource Information
- Service referrals and appointments
- Transportation
- Housing
- Identification/documents.
- Provide temporary supply of meds/prescriptions.

Planning for community:

- Risk and Need Assessment
- Reunification (family/community)
- Service referrals/appointments
- Individual supervision plan
- Compliance monitoring

Planning for Key Elements of Reentry

Planning for confinement:

- Identify the facilities your tribal members are housed in
- Establish relationship(s) with staff
- Work with institutional staff to participate in reentry planning for tribal members returning to your community
- Discuss cultural needs/offerings for tribal members (can you meet this need?)
- Discuss ways to keep families engaged (if safe to do so)



Key Elements of Reentry

Planning for release day:

- Meet immediate needs
 - “At the gate” transportation
 - Medications
 - Food
 - Shelter
- Service referrals/appointments
- Meet with probation/parole/elder

**First 72 hours of
release are critical!**



Key Elements of Reentry



Planning for community:

- Reunification (family/community)
- Rally programs/services to meet reentry plan needs
- Have a supervision plan in place
- Have a plan to deal with set-backs

Key Elements of Reentry

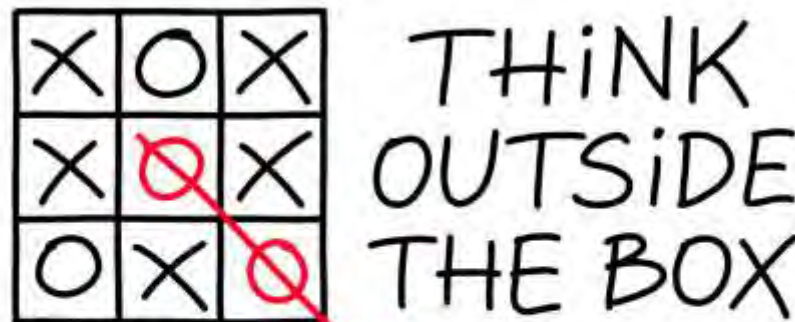
BENEFITS

- Reduce the likelihood of seeing individuals revolving in and out of secure confinement
- Impact the lives of tribal members for generations
- Preserving tribal traditions, culture, language
- Ultimately improve the health and wellness of members of your tribal community
- Ensure tribal members are getting the services they need

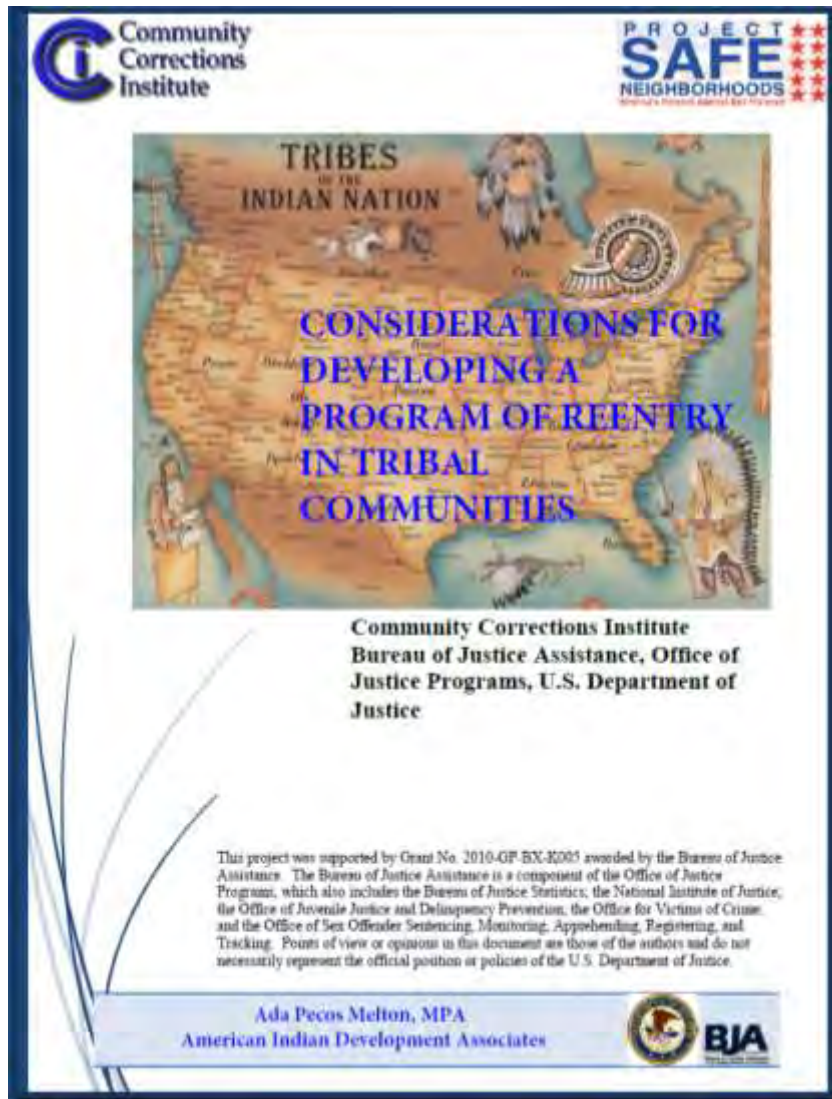


Promising Reentry Programs in Indian Nations

- Does not have to be a “program”
- Can be a smattering of resources, programs, and/or services to assist with aspects of reentry
- Can be (should be) applied in individual cases



The Challenge to Tribal Communities:



“Re-entrants from jails/prisons need support from their respective tribes to return to their homes, families, relatives, and communities in a good way. In many instances, the support a re-entrant receives from the tribal governments and communities may be the catalyst needed to change a person’s life course away from criminal activity and into one of sobriety and a better life”. (pg. 19)



... LINKS ...

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[Enhanced Sentencing Authority](#)

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[APPA's Tribal Issues Committee](#)

Technical Assistance

APPA has a variety of technical assistance opportunities through funding from the Bureau of Justice Assistance to provide office-based and on-site technical assistance to tribal justice agencies to develop, grow, and enhance community corrections programs.

Technical Assistance to Grow, Develop, Enhance Community Corrections Programs

Tribes can request technical assistance related to pretrial, probation, and reentry programs. APPA recognizes that tribes are unique in their structure, organization, location, cultural values and norms, and resources; therefore, APPA will work with each individual tribe to develop and deliver technical assistance that is respectful of the diversity and individual needs of the requesting tribe.

[Request technical assistance.](#)

Technical Assistance to Implement Enhanced Sentencing Authority under the Tribal Law & Order Act of 2010

The Tribal Law & Order Act of 2010 established provisions under which tribes can exert enhanced sentencing authority; allowing them to extend their sentencing powers for certain crimes from 1 year, \$5,000 fine to 3 years, \$15,000. Tribes can request technical assistance from APPA to assist them with meeting the requirements of TLOA to exert enhanced sentencing authority.

[Request technical assistance.](#)

Technical Assistance to Develop or Enhance Alternatives to Incarceration

Tribes can request technical assistance develop or enhance alternatives to incarceration. This technical assistance allows tribes to be creative in their implementation of alternatives, although assistance can also be provided to implement established alternative programs such as day reporting/treatment programs, transitional living programs, work/school release programs, alternative court/supervision programs, intensive supervision programs, etc. APPA will work with each individual tribe to develop and deliver technical assistance that is respectful of the diversity and individual needs of the requesting tribe.

[Request technical assistance.](#)



Presenter Information:

Kimberly Cobb

Project Director

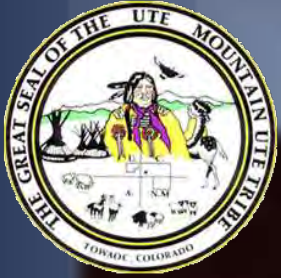
American Probation & Parole Association

Phone: 859/244-8015

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Website: www.appa-net.org

Starting a Reentry Program in Indian Country



A Colorado Experience

Peter Ortego

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The Need

Ute Mountain Ute Indian Reservation:

High federal recidivism rate: 80-90%

Towaoc: Population 1500

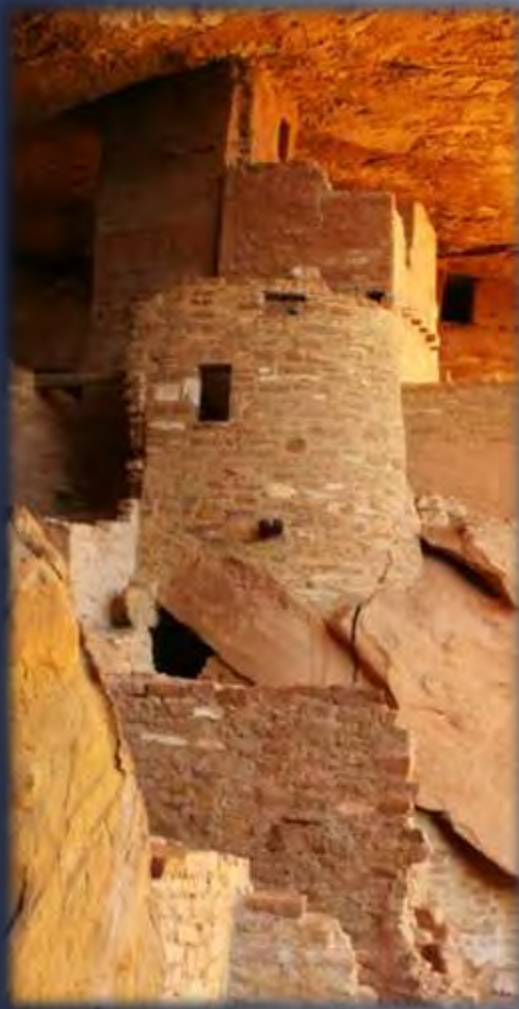


Initial Steps: Tribal & Federal Leaders

Summit in November 2014

- ◆ Tribal Council
- ◆ Tribal Agencies
- ◆ U.S. Attorney's Office
- ◆ U.S. District Court
- ◆ U.S. Probation
- ◆ BIA, IHS

November 2014 Summit, cont.



Topics & Initial Discussion


- ◆ Reentry presentation by APPA expert
- ◆ Public safety issue
- ◆ Initial assessment of needs
- ◆ Next steps: “Eco-mapping” session

March 2015 Next Steps Summit

Facilitated by APPA expert and a representative of Muscogee Creek Re-entry Program

- ◆ Tribal Council
- ◆ Tribal Agencies (broad representation)
- ◆ U.S. Attorney's Office
- ◆ U.S. Probation
- ◆ BIA, IHS





March 2015 Discussion

- ◆ Presentation on successful Oklahoma program
- ◆ In-depth discussion of needs
- ◆ “Eco-mapping” of tribal, federal, state resources
- ◆ Action plan discussion

March 2015 Results

❖ Tribal decision to embark on reentry program at all levels

- Tribal and State offenders included
- Not just federal

❖ Commitment of participants to action plan

- Tribal “reentry” coordinator
- Federal work on in-house substance abuse program
- U.S. Probation to follow-up on next steps



More to come!

Peter Ortego
General Counsel
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TRIBAL & STATE WEBINAR SERIES

April 23, 2015



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Sex Offender Registry, Sisseton-Wahpeton Oyate

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Brad Lewandowski

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South Dakota Department of Corrections

Background Reasons for the CJI

Volume of Offenders and Costs

- People under some form of correctional control:
 - National: 1 in 31
 - South Dakota: 1 in 40
- 24% increase in prison population over last decade.
- 72% increase in parole population in last decade.
- State DOC budget increased 45% in the last decade.

Background Reasons for the CJI

2010 Imprisonment Rate by State

Rate/100,000 of Population

Jurisdiction	Total	Males	Females
United States	437	823	59
Midwest *	389	735	53
South Dakota	416	732	100
North Dakota	226	394	55
Minnesota	185	347	24
Iowa	309	574	50
Nebraska	247	453	43
Wyoming	385	673	86
Montana	378	668	87

Source: U.S. Department of Justice, Prisoners in 2010

* Midwest includes Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin

Background Reasons for the CJI

Recidivism significantly impacts prison population

- Most inmates are not first-time felons – many have prior admission:
 - 49.8% of South Dakota's current inmates are recidivists
- Recidivism Rates:
 - 26.1% - 12 months
 - 39.0% - 24 months
 - 43.8% - 36 months

South Dakota Criminal Justice Initiative

GOALS

Improve public safety by investing in programs, practices, and policies that have been proven to reduce recidivism.

1. Hold offenders more accountable by strengthening community supervision.
2. Reduce corrections spending and focus prison space on violent, chronic, and career criminals.

SCOPE

Impacts Department of Corrections, Unified Judicial System, Department of Social Services, Office of the Attorney General, State Legislature and Legislative Research Council.

Criminal Justice Initiative Work Group

Policy Areas

Supervision and Reinvestment

1. Focus supervision on high-risk offenders
2. Improve supervision of probationers and parolees
3. Specialized programs and services to improve outcomes

Statutory Review

1. Differentiate among levels of criminal conduct
2. Create presumptive probation for Class 5 and 6 felonies
3. Ensure 180 day sanctions for probationers can be used for swift and certain sanctions.

Efficiency & Sustainability

1. Measure and evaluate implementation of reforms
2. Improve training on evidence-based practices
3. Improve efficiency and accessibility of systems



Tribal Pilot

- SB 70 created the Tribal Parole Pilot Program under SDCL 1-54-8:

In cooperation with the Department of Tribal Relations, the Department of Corrections may develop tribal parole pilot programs to supervise parolees on tribal land. The Department of Corrections shall promulgate rules pursuant to chapter 1-26 as necessary for the implementation of the pilot program. The pilot program shall utilize a tribal-state liaison officer. The officer shall use supervision strategies that focus on reducing recidivism and employ evidence-based practices and swift, certain, and proportionate sanctions.

- May 2014: Sisseton-Wahpeton Oyate and SD DOC entered into an Intergovernmental Agreement allowing the SWO to supervise enrolled tribal members on the Lake Traverse Reservation.
- This pilot program is set to run for two years.



Tribal Pilot

Referral Process

Offender eligibility for supervision under the compact requires that:

1. The Tribe must accept the offender;
2. The SD Parole board or its Executive Director must grant the offender parole to the reservation/tribal region; and
3. The offender must agree to supervision under the program.



Tribal Pilot

Referral Process

- The Tribal Agent brings any needs (identified through assessments or prison case manager) to the Wellness Team for recommendations of available options for the specified need during the release process.
- The Tribal Agent utilizes the Wellness Team when addressing violations of the supervision agreement that do not require a revocation. The team focuses on alternatives to a parole violation, utilizing culturally based practices for parolees who have a background/belief in traditional ways.
- Parolees and/or families can request and meet with the Wellness team to discuss or address any issues they may have.



Tribal Pilot

PURPOSE

Reduce the number of tribal members returned to prison, provide increased compliance with parole conditions, and increase safety in the Community

TWO PRIMARY COMPONENTS

- **Tribal Parole Agent** - Assisted by state funding, the Tribal Parole Agent is hired and employed by the Tribe to supervise DOC parolees that are tribal members living on tribal lands
- **Wellness Team** - selected from medical and mental health, tribal police, tribal courts, child protection, drug and alcohol treatment, housing authorities, tribal probation, veteran's affairs and/or other interested parties



Tribal Parole Agent

- **Monitors the day-to-day activities of the parolee** conducting home visits and community visits to verify the offender's compliance with release conditions
- **Enforces all special conditions** set by the Parole Board, Director, Wellness Team, or Tribal Parole Agent prior to release
- **Follows up on recommendations** handed out by the Wellness Team and reports progress back to them



Wellness Team

- Meet regularly to review and select parole referrals
- Make recommendations for treatment, community services, alcohol/drug testing, etc.
- Meet with the parolee regarding violations and determines the best course of sanction/action
- Utilize evidence-based practices such as risk and need assessments, enhancing the motivation to change, target interventions, positive reinforcement, community support, and provide feedback



Initial Concerns

BOUNDARIES AND CASELOAD SIZE

SWO covers a large area in three counties and North Dakota. It also is checker boarded with non-tribal communities.

- **RESPONSE:** The Wellness Team chose to limit the program to Roberts County. As the pilot develops, other areas may be added.

FAIRNESS ISSUES

Originally only tribal members living on tribal land would participate in pilot. However, a potential candidate could only find housing in town (off tribal land), thus, unable to participate in the program.

- **RESPONSE:** The Wellness Team chose to open the program to any tribal member residing in the county, on or off tribal land.



Initial Concerns

TRIBAL AGENT JURISDICTION

The Tribal Agent would have jurisdiction on tribal land, but not off. This lack of authority to address violations wherever they occurred would hinder the effectiveness of the pilot.

- **RESPONSE:** Statue was adjusted to give the Tribal Parole Agent the same power of arrest as a state agent off tribal land.

INTERSTATE COMPACT CASES

Compact cases from other states, even though they may be tribal members, were not added to the pilot at this point.

- **RESPONSE:** Additional jurisdictional issues will need to be worked through before ISC cases can be added.

Decisions Made by Tribal Parole Office



DATABASES

The Tribal Parole Office chose to connect to all needed DOC databases, including e-mail and the DOC offender management system (COMS), saving time and money. The Tribal Agent has access to all assessments and histories needed to provide supervision and can easily complete data entry. This also enhances the data that can be pulled and compared at the end of the project.

POLICIES

As the Tribal Parole Office is a new entity, policies must be developed. Through mirroring the supervision practices in other areas, many of the DOC policies are being adjusted to fit the SWO program.

TRAINING

Since the Tribal Agent works very closely with state agents, it was decided the Tribal Agent will receive the same training as State Agents – including Initial Agent training and annual training.



Cross Over Between Jurisdictions

- The Wellness Team utilizes both tribal and non-tribal treatment resources, in or outside the community
- Parolee Participants can be detained at the SWO Tribal Jail, any county jail in SD, and/or any DOC facility under the jurisdiction of the Tribal Parole Office. The offender remains under the jurisdiction of the Tribal Agent and will be returned to the Tribal Parole Office unless a revocation is mandated by the Tribal Parole Violation Matrix.
- Alcohol/Drug monitoring programs are available and utilized through both Tribal Police and County Sheriff's Office.
- Work Release has been used at both the Tribal Jail and County Jail
- The DOC Community Transition Program has been utilized by the Tribal Parole Office.
- Referrals have been made to Tribal Drug Court.

Bureau of Justice Assistance Resources

Coordinated Tribal Assistance Solicitation (CTAS) – only Indian tribes are eligible to apply with some exceptions

Second Chance Act Reentry Resources

Tribal Criminal and Civil Legal Assistance Solicitation

BJA Resources for TLOA Implementation

Coordinated Tribal Assistance Solicitation (CTAS)



- The Department of Justice launched CTAS in Fiscal Year 2010 in direct response to concerns raised by Tribal leaders about the Department's grant process that did not provide the flexibility tribes needed to address their criminal justice and public safety needs. Through CTAS, federally-recognized Tribes and Tribal consortia submit a single application for most of the Justice Department's Tribal grant programs. The Department of Justice designed this comprehensive approach to save time and resources and allow tribes and the Department to gain a better understanding of the Tribes' overall public safety needs.
- For more information on CTAS – see www.justice.gov/tribal and www.justice.gov/tribal/open-solicitation
- DOJ expects to award grants on or before September 30, 2015.

CTAS: Goals and Objectives

Justice Systems and Alcohol and Substance Abuse (BJA)



- To develop, enhance, and continue tribal justice systems including: law enforcement, pretrial services, risk and needs assessment development and implementation, diversion programming, tribal court services, detention programming, community corrections, reentry planning and programming, justice system infrastructure enhancement, justice system information sharing, etc.
- To respond to and prevent alcohol- and substance abuse-related crimes including alcohol and substance abuse prevention, healing to wellness courts, intervention, or treatment.
- To implement enhanced authorities and provisions under the Tribal Law and Order Act and the Violence Against Women Reauthorization Act of 2013.
- To develop, implement, and enhance substance abuse prevention and treatment programs including those that prevent and address the needs of drug-endangered children.
- To engage in comprehensive strategic planning to improve tribal justice and community safety as it relates to Tribal courts and alcohol and substance abuse.

CTAS: Goals and Objectives

Tribal Justice System

Infrastructure Program(BJA)



- To renovate buildings to enhance conditions in or to change the use of a building to any of the following purposes: single jurisdiction or regional Tribal correctional facilities, correctional alternative facilities, multipurpose justice centers (including police departments, courts, and corrections), and transitional living facilities (halfway houses) associated with the incarceration and rehabilitation of juvenile and/or adult offenders.
- To develop and implement correctional alternatives.

The Second Chance Act

BJA Reentry Funding Opportunities



- The Second Chance Act of 2007 (Public Law 110-199) provides a comprehensive response to the increasing number of incarcerated adults and juveniles who are released from prison, jail, and juvenile residential facilities and returning to communities. There are currently more than 2.3 million individuals serving time in our federal and state prisons, and millions of people are cycling through local jails every year. Ninety-five percent of all offenders incarcerated today will eventually be released and return to communities. The Second Chance Act will help ensure that the transition individuals make from prison, jail, or juvenile residential facilities to the community is successful and promotes public safety.
- BJA expects to provide funding opportunities under the following Second Chance Act programs:
 - Career Technology Training (Section 115);
 - Adult Planning & Demonstration Projects (Section 101);
 - Adult Reentry Program for Offenders with Co-Occurring Substance Abuse and Mental Health Disorders (Section 201);
 - Adult Mentoring Grants (Section 211); and
 - Other opportunities.
- For more information, visit BJA's Second Chance Act web page: https://www.bja.gov/ProgramDetails.aspx?Program_ID=90. Access to the open solicitation can be found at: <https://www.bja.gov/funding.aspx>

National Drug Court Program

- The Drug Court Discretionary Grant Program provides financial and technical assistance to states and Federally-recognized Indian tribal governments to develop and implement treatment drug courts that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives, and transitional services in a judicially supervised court setting with jurisdiction over nonviolent, substance-abusing offenders. This program include grants for the
 - Implementation of Drug Courts
 - Enhancement of Drug Courts
 - Veteran's Courts
- [Joint Adult Drug Court Solicitation to Enhance Services, Coordination, and Treatment FY 2015 Competitive Grant Announcement](#)
Application Deadline: 06/01/2015, 11:59 PM
BJA and SAMHSA are seeking applications for funding to enhance drug court services, coordination, and substance abuse treatment and recovery support services.
[Solicitation](#) [Resource Guide](#)
- TTA Resources: OPEN REGISTRATION: The National Drug Court Institute (NDCI) has announced the open registration for the 2015 Adult, Veterans, and Tribal Drug Court Planning training. The open enrollment is now available and training will be made available on a first come-first serve basis for 10 Adult teams, 5 Tribal teams, and 30 Veteran teams. Visit NDCI.org/training for more information.
- Tribal Healing to Wellness Courts website sponsored by the Tribal Law and Policy Institute.
<http://www.wellnesscourts.org/>

Tribal Civil and Criminal Legal Assistance Program



- Tribal Criminal and Civil Legal Assistance Program (TCCLA)
https://www.bja.gov/ProgramDetails.aspx?Program_ID=102
- Technical Assistance for TCCLA grantees, visit the National Tribal Justice Resource Center of National American Indian Court Judges Association at <http://www.naicja.org>
- Interested Public Defenders in loan repayment program, learn more about the John R. Justice Student Loan Repayment Program
https://www.bja.gov/ProgramDetails.aspx?Program_ID=102

BJA Training & Technical Assistance



Intergovernmental Collaboration

- Tribal-State Collaboration Training and Technical Assistance Request Form, Walking on Common Ground Website (<http://www.WalkingOnCommonGround.org>)
- Training and Technical Assistance at the National Criminal Justice Association (<http://www.ncja.org/>)
- Regional Collaboration to Embrace, Engage and Sustaining Tribal Community Policy Partnerships, Western Community Policing Institute (<http://westerncpi.com/training/tribal/>)
- Training & Technical Assistance Webpage, DOJ Tribal Justice and Safety Website (<http://www.justice.gov/tribal/>)

TLOA Enhanced Sentencing Authority

- BJA Tribal Law and Order Act Webpage (https://www.bja.gov/ProgramDetails.aspx?Program_ID=88)
- BJA Training Assistance Application for Tribal Law and Order Act related activities: 1) Enhanced Sentencing Authority; 2) indigent defense. Please complete the technical assistance application <https://www.appa-net.org/> or training needs assessment at <https://www.surveymonkey.com/s/R83TBBJ>
- BJA's National Training and Technical Assistance Center (NTTAC) (<https://bjatraining.org/>)
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website (<http://www.justice.gov/tribal/tta.html>)
- NCAI Tribal Law and Order Resource Center (<http://tloa.ncai.org/>)

BJA & Other Resources

BJA Resources

- Enhanced Sentencing in Tribal Courts: Lessons Learned From Tribes (<http://www.justice.gov/tribal/publications>)
- Improving the Administration of Justice in Tribal Communities through Information and Resource Sharing (https://www.bja.gov/publications/appa_tribalinforesourcesharing.pdf)
- Information Sharing in Criminal Justice – Mental Health Collaborations: Working with HIPAA and Other Privacy Laws (https://www.bja.gov/publications/csg_cjmh_info_sharing.pdf)
- An Overview of BJA's Tribal Civil and Criminal Legal Assistance Program and Resources (https://www.bja.gov/Publications/TCCLA_Overview.pdf)
- National Reentry Resource Center (NRRC) (<http://csgjusticecenter.org/nrrc>)
- Strategies for Creating Offender Reentry Programs in Indian Country (http://www.aidainc.net/Publications/Full_Prisoner_Reentry.pdf)
- Considerations for Developing a Program of Reentry in Tribal Communities
<http://www.communitycorrections.org/images/publications/DevReentryinTribalComm.pdf>

Federal & Other Resources

- Bureau of Justice Assistance Website (<https://www.bja.gov/Default.aspx>)
- BJA's National Training and Technical Assistance Center (NTTAC) (<http://bjatraining.org/>)
- DOJ Tribal Justice and Safety Website (<http://www.justice.gov/tribal/>)
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website (<http://www.justice.gov/tribal/tta.html>)
- Office of Justice Services, Bureau of Indian Affairs, U.S. Department of Interior (<http://www.bia.gov/WhoWeAre/BIA/OJS/>)
- Tribal 10 key components publication (<http://www.wellnesscourts.org//wellness-court-resources/>)

THANK YOU FOR JOINING US



Today's slides and a recording of this webinar will be available at:

<http://www.ncja.org/webinars-events/state-tribal-collaboration-webinar-series>

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