

Best Practices for Supporting Offender Reentry

Retrieved from: <http://www.ncjp.org/tribal-collaboration/reentry>

The following information is one of [12 modules](#) tailored for state, local and tribal justice leaders. These modules provide policy guidance for establishing and maintaining intergovernmental collaborative strategies in various subject areas to improve public safety in Indian country. Each module addresses a different subject area and consists of: an introduction to the topic, background information, practice tips, examples, and a directory of related resources. All modules in the *State-Tribal Collaboration Policy Guide* can be found at <http://www.ncjp.org/state-tribal-collaboration>.

These issue briefs were developed by the National Criminal Justice Association (NCJA) Center for Justice Planning (NCJP) and the National Congress of American Indians, in partnership with other national tribal training and technical providers and subject matter experts, including: the American Probation and Parole Association; the Center for Court Innovation; the National Criminal Justice Training Center of Fox Valley Technical College; the Tribal Law and Policy Institute; the Western Community Policing Institute; Judge Korey Wahwassuck of Leech Lake Tribal Court; and Judge John Smith of Cass County District Court. [Click here to view a printable version of this document in PDF format.](#)

Introduction

Nationally, reentry is a growing concern for tribal, federal, state, and local governments. Reentry should be a seamless process that begins with an individual's intake in a corrections facility and continues with his or her return into the community—the key elements of reentry include planning for confinement, release, and reunification. This publication will focus on American Indian and Alaska Native (AI/AN) populations returning from tribal, county or regional jails or state prisons.

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Background

Given that crime rates in Indian country are more than twice the national average and up to 20 times the national average on some reservations, reducing recidivism through planning for reentry is critical.^[1] Studies indicate:

- A total of 29,700 American Indians and Alaska Natives were in jail or prison at midyear 2011, accounting for 1.3% of all inmates in custody in jail or prison in the United States.
- In 2011, over half (14,600) of incarcerated AI/AN inmates were held in state prison, and about 12 percent were held in federal prison (3,500). The remaining 11,639 were confined in local jails (9,400) and Indian country jails (2,239).
- The most recent Department of Justice Jails in Indian Country study found that at midyear 2013, a total of 2,287 AI/AN inmates were confined in 79 Indian Country jails ^[2] reflecting a slight increase from 2011. ^[3]
- About 31 percent of inmates in Indian country jails have been confined for a violent offense, including domestic violence, assault, rape, or sexual assault. ^[4]
- With very few exceptions, all of these inmates will be released and returned to their communities.

The Tribal Law and Order Act (TLOA) of 2010 created an opportunity for tribal nations across the country to strengthen their justice systems and improve safety through planning and implementation of strategies for alternatives to incarceration. While the emphasis of TLOA consultation and collaboration is between

tribal leadership and federal agencies, state and local leaders have a role. TLOA requires DOJ and the Department of the Interior (DOI) to submit a plan to Congress addressing incarceration in Indian country, including a description of proposed activities for contracting with state and local detention centers, upon approval of affected tribal governments.^[5]

The large number of individuals returning to the community after confinement and recent TLOA requirements requiring coordination with state and local facilities highlight the importance of advancing state and tribal strategies to develop and support collaborative planning and programming for reentry. A 2010 report, *Strategies for Creating Offender Reentry Programs in Indian Country*, authored by American Indian Development Associates and sponsored by the Office of Justice Programs,^[6] described some of the factors that affect the availability and quality of reentry programs for Native inmates:

- The lack of formal relations between tribal and state criminal justice authorities compromises justice for victims and tribal communities; it leads to little or no involvement from tribal criminal and juvenile justice representatives and to a lack of communication.
- The lack of training to establish consultation policies and procedures and develop culturally competent programming or reentry plans.
- Jurisdiction complicates tribal-state relations; many tribes have checkerboard tribal lands, meaning that they have pockets of private, state, and federal lands interspersed among tribal lands. In these areas, more emphasis should be placed on overcoming obstacles to tribal, state, local, or federal collaboration in the interest of maintaining public safety and reducing victimization.
- There is a need for governmental agencies at all levels to coordinate supportive services—including housing, transportation, employment, and recovery services—to meet the needs of the community.
- Tribal-state collaboration needs to begin at the initial stages of an offender's confinement in a state facility and continue as the offender is released; establishment of public policies and training of state criminal justice system staff can enhance the smooth transition of offenders through the system and as they return to the community.^[7]

Practice Tips

Many states have established formal relationships and ongoing communication, and implemented policies and procedures, to support reentry efforts. Below are some “practice tips” to assist state, tribal, and local leaders and policymakers in advancing reentry efforts in their jurisdictions.

For state and local justice leaders and policymakers:

- Provide information regarding evidence-based approaches and promising or emerging practices for reentry to tribal, state, federal and community stakeholders.
- Build trust with tribal leadership by listening to their successes and challenge and learning about the tribe and follow-up with action.
- Establish formal relationships with tribal leaders to advance reentry.
- Establish policies and procedures for reentry that are developed with state, local and tribal input.
- Engage tribal leaders in strategic planning processes and ongoing working groups.
- Hold focus groups with tribal leaders and members to conduct resource mapping (identifying services and programs) and identify ways to share information between jurisdictions.
- Co-apply for reentry grant funds to support reentry efforts.
- Engage tribal members to develop reentry solutions and identify and create cultural-based resources that can be used to support reentry.
- Advocate for legislation and statutes to enhance reentry efforts.
- Facilitate development of state, local and tribal memorandums of understanding related to reentry strategies.
- Support data collection and analysis that would inform and address knowledge gaps concerning number and location of incarcerated tribal members and anticipated release to reentry centers and halfway houses and return to the community.

- Support and facilitate training for professionals and paraprofessionals to enhance knowledge about tribal history, language, beliefs, practices, socioeconomics, and other nuances of local tribes to enhance application of this knowledge with tribal members.
- Support cross-training with tribal representatives and service providers to develop culturally supportive programming and post-release strategies.
- Work with tribal government leaders and practitioners to support culturally supportive justice and behavioral health treatment approaches with the dual goals of reducing recidivism and promoting recovery.
- Recognize that reentry is a process not a single event; while acknowledging that the reentry process should begin in jails or prisons, also acknowledge that successful strategies depend on community-based supports that include family, community, and tribal government support systems.

For tribal justice leaders and government officials:

- Develop and implement reentry policies that address tribal government responsibilities and funding, and tribal community roles in collaboration with federal (where appropriate), state, and local criminal justice leaders.
- Conduct planning sessions involving tribal, state and, where appropriate, federal practitioners to coordinate reentry for tribal members returning to the community.
- Participate in collaborative strategic planning and problem-solving processes involving federal, state, and local corrections officials and community service providers.
- Reach out to federal and state probation and parole agencies to obtain information on release dates. Please note: The U.S. Probation Officer (USPO) is notified of all being released. The Federal Bureau of Prisons (BOP) is expected to notify local law enforcement, including Tribal law enforcement, of the release if an inmate committed one or more of certain drug trafficking and crimes of violence. See the following link for a definition of “crimes of violence” https://www.bop.gov/policy/progstat/5162_002.pdf.
- Use or build upon the Bureau of Justice Statistic’s Jails in Indian Country survey to research conditions of confinement and reintegration practices in detention facilities and share that information to build greater awareness of the issues.
- Promote and assist the development of culturally supportive programming and training that incorporates tribal reintegration issues, concerns, and needs for policymakers and practitioners.
- Support reentry strategies that begin during incarceration and continue throughout an individual’s transition and stabilization within the community.
- Support the use of results from risk and need assessments to coordinate post-release services to address identified needs of tribal members returning to the community.
- Promote positive reentry conditions that support the practice of individual responsibility within the tribal community.
- Conduct outreach to local and state institutions and offer assistance and supportive programming.
- Help individuals maintain their cultural ties by providing tribal-specific curriculum or activities within facilities such as traditional sweat lodges, drumming lessons, spiritual counseling, talking circles, storytelling, native arts and crafts, or instructions on traditional life ways by tribal experts.
- Support the idea that the reentry process does not have to be a “program.” It can be a compilation of resources, programs, and services to assist individuals, as appropriate, and address key elements related to confinement, release, and reunification.

Examples

Muscogee Creek Nation Reintegration Program

The national award-winning [Muscogee Creek Nation \(MCN\) Reintegration Program](#) uses proven effective initiatives to assist Muscogee citizens in the transition from prison back into society, while embracing traditional cultural values. The MCN Reintegration Program strives to work with ex-offenders to meet

immediate and long-term needs to decrease recidivism and enhance public safety. Its philosophy is to build stronger families and communities by reconnecting offenders with a culture in which they can thrive and succeed. Delynn Fudge, director of the Oklahoma District Attorneys Council Federal Grants Division stated, "Through the dedication of the Muscogee Creek Nation and the professionals that implement this program, they have provided comprehensive reintegration services for more than 500 of its citizens.... This innovative program, with its wide ranging services, operates as a model by working hand in hand with all three branches of tribal government as well as the local, state, and federal entities in meeting the needs of those that have been incarcerated."

The American Probation and Parole Association (APPA) hosted a webinar which highlighted this program. A link to the recording and materials for the webinar, entitled "Prison Reentry: A Tribal Model Managing High Risk Offenders and Offender Reentry" can be found [here](#).

Sisseton Wahpeton Oyate Tribal-Parole Pilot Project

South Dakota enacted sweeping reform of the adult criminal justice system in the 2013 passage of the [South Dakota Public Safety Improvement Act](#) (PSIA). The Sisseton Wahpeton Oyate Tribal-Parole Pilot Project, enacted through PSIA, establishes a partnership between the [South Dakota Department of Corrections](#), the South Dakota Department of Tribal Relations, and the Sisseton Wahpeton Oyate tribe to increase success of individuals on parole who wish to return to the tribal community. The pilot program is designed to target the specific needs of AI/AN parolees, allowing them to be supervised and held accountable in their home communities. The state provides training and funding for a tribal parole agent to supervise parolees on the reservation. A tribal wellness team works with the agent and parolee in accessing services and providing appropriate supervision, support, and response to violations. Click [here](#) to access the Preparing to Return Home: Tribal and State Reentry Collaborations webinar and informational materials showcasing the Sisseton Wahpeton Oyate Tribal-Parole Pilot Project.

Wisconsin Tribal Community Reintegration Program

The Wisconsin Tribal Community Reintegration Program (WTCRP) is a cooperative demonstration project between the Oneida Tribe of Indians of Wisconsin, the Menominee Indian Tribe of Wisconsin, the Stockbridge-Munsee Community Band of Mohican Indians, the Great Lakes Inter-Tribal Council, and the Wisconsin Department of Corrections. The initiative focuses on working with male offenders who are returning to Oneida, Menominee, and Stockbridge-Munsee tribal lands. This initiative helps connect participants with case management as well as evidence-based interventions and community resources, and provides returning offenders with valuable prerelease programming.

In 2006, a Wisconsin Sentencing Commission Report highlighted both the record high recidivism rates among American Indians (higher than for any other race/ethnicity) and their over-representation in state prison systems. While this information confirmed what many on tribal lands and within the state corrections system already knew anecdotally, the report spread awareness about the magnitude of the issue. This awareness helped build consensus within tribal lands and among tribal leaders that the issue of reentry needed to be addressed. This consensus eventually led to a partnership between the three tribes and the Great Lakes Inter-Tribal Council to launch what would become WTCRP.

For more information about WTCRP, click [here](#).

The APPA hosted a webinar titled "Information Sharing and Reentry" that highlighted this program. A link to the webinar recording and materials can be found [here](#).

Additional Resources

Strategies for Creating Offender Reentry Programs in Indian Country

Strategies for Creating Offender Reentry Programs in Indian Country provides guidance on promising practices and strategies related to offender reentry in Indian Country. It provides a historical overview, gives guidance in developing reentry programs, provides general reentry policy considerations and recommendations, highlights tribal reentry programs, and provides federal and other resources. The report specifically highlights state and tribal relations challenges concerning jurisdiction, the high number of AI/AN inmates in state prisons or facilities, and limited tribal apprehension or prosecution.

For direct access to the Strategies for Creating Offender Reentry Programs in Indian Country handbook, click [here](#).

The American Indian Development Associates, LLC, website can be accessed by clicking [here](#).

Considerations for Developing a Program of Reentry in Tribal Communities

This report shares information about AI/AN offender confinement facts, tribal participation in national reentry initiatives, research and evaluation, the planning and development process (including a community readiness tool), and strategies for reentry planning for tribal governments and communities.

A section of this report is devoted to “Relationships with Facilities off Tribal Lands.” In addition, the report addresses measures being taken to improve collaboration at the federal level: “...National legislation and current federal funding is now requiring informed tribal participation in research and evaluation. In particular, the 2013 research and evaluation funding announcements posted by two Department of Justice agencies required tribal resolutions to ensure informed consent by the tribes mentioned in grant applicants.”

Considerations for Developing a Program of Reentry in Tribal Communities can be found [here](#).

Tribal Law and Order Act (TLOA) Long Term Plan to Build and Enhance Tribal Justice Systems

The Tribal Law and Order Act (TLOA) provides a critical opportunity to acquire the tools needed to build effective alternatives to incarceration and to improve incarceration and reentry strategies. TLOA mandates that DOJ and DOI develop, in consultation with tribal leaders and tribal justice professionals, a long-term plan to address incarceration and the alternatives to it in Indian country. DOJ and DOI obtained substantial input from tribal justice officials (including law enforcement, courts, and corrections) through a series of consultations with tribal leaders across the country, conducted focus groups, hosted webinars, and drafted a Tribal Justice Plan (Plan) for public comment. Central themes that emerged from public comment were incorporated into the final Plan submitted to Congress. One of the central themes is: “The Tribal Justice Plan should coordinate federal, tribal, state and local government resources to support operations, programming in tribal justice system, and critical infrastructure issues with tribal correctional facilities, fully mindful of the sovereign status of tribes in these coordination efforts.” Key considerations underlying the Tribal Justice Plan include support for regional partnerships with state and local entities to contract for bed space to improve capacity and sustainability, and the development and implementation of evidence-based reentry programs that include risk assessment tools and individual case management plans.

Download Tribal Law and Order Act (TLOA) Long Term Plan to Build and Enhance Tribal Justice Systems, August 2011, [here](#).

The Second Chance Act

Signed into law with bipartisan support in 2008, the Second Chance Act represents an important federal investment in strategies to increase public safety and reduce recidivism by authorizing funding for the development and coordination of reentry services, such as employment training, substance abuse treatment, and mentoring at the state, tribal, and local levels. Evidence-based reentry programs facilitate the often difficult transition from prison to the community and not only reduce crime, but save taxpayer dollars.

Evidence suggests that the Second Chance Act's investment in effective reentry programs is working. A report released in 2013 by the Council of State Governments Justice Center profiled seven states that have received funding through the Second Chance Act and found that they have each seen significant reductions in their recidivism rates. The recidivism rate has declined by 18 percent since 2005 in Michigan and by 15 percent in Kansas. For many years, states have sought solutions to stubbornly high recidivism rates. Now, recidivism rates in many states are declining or holding steady at a lower level.

- States Report Reductions in Recidivism can be found [here](#)
- Highlights from a Congressional Staff Briefing on The Second Chance Act were published on May 8, 2013 and available [here](#).
- Click [here](#) The Bureau of Justice Assistance Second Chance Act website

DOJ Coordinated Tribal Assistance Program (CTAS)

The DOJ launched its Coordinated Tribal Assistance Program (CTAS) in FY 2010 to provide funding and flexibility to address tribal criminal justice and public safety needs. The grants provide funding to support intervention in nine purpose areas including public justice systems and alcohol and substance abuse (area 3) and corrections and correctional alternatives (area #4). For more information please [click here](#) or <https://www.justice.gov/tribal/grants>.

The Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

A comprehensive system of reentry and aftercare services can make a critical difference for youth leaving institutional confinement. OJJDP provides information on juvenile justice reentry and related publications [here](#).

PublicLaw102-477

Public Law (P.L.) 102-477 is the Federal Indian Employment, Training, and Related Services Demonstration Act of 1992, as amended by P.L. 106-568, the Omnibus Indian Advancement Act of 2000. This Act enables Tribes to integrate employment, training, and related services programs administered by the U. S. Departments of the Interior, Labor, Health and Human Services, and Education. The Office of Indian Energy and Economic Development is the lead federal agency for implementing P.L. 102-477, which authorizes the division to assist tribes in developing education, employment, training, and social services. In 2013, Port Gamble S'Klallam Tribe, in Washington State, received P.L. 102-477 funds to develop a reentry program. The program addresses the significant tribal and community needs for job and life skills for those with a criminal background.

- More information about Public Law 102-044 can be found [here](#).
- To access a brochure that outlines the Port Gamble S'Klallam Tribe Reentry Program, click [here](#).
- To access a PowerPoint slide deck showcasing the Port Gamble S'klallam Tribe Reentry Program, click [here](#).

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[1] Tribal Law and Order Act (TLOA) Long Term Plan to Build and Enhance Tribal Justice Systems, August 2011, U. S. Department of Justice, U. S. Department of Interior, p. 7

[2] Jails in Indian Country 2013, July 2014, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS), p.1, <http://www.bjs.gov/content/pub/pdf/jic13.pdf>.

[3] Starting in 2011, the National Prison Statistics data collection no longer gathered custody population by race. For the BJS Jails in Indian Country Report 2011, the state and federal custody prison population was estimated from 2010 information (Jails in Indian Country 2011, page 2, Table 1).

[4] See note 2, Jails in Indian Country 2013, p.7.

[5] See note 1, Tribal Law and Order Act (TLOA) Long Term Plan, p. 8, fn. 1.

[6] Strategies for Creating Offender Reentry Programs in Indian Country, August 2010, was sponsored by the Community Capacity Development Office, a closed office of the Office of Justice Programs, U.S. Department of Justice.

[7] Ibid.