

Tribal-State Corrections Collaboration Strategies: Meeting the Needs of Native Inmates

February 3, 2014

3:00-4:30 p.m. ET

Tribal-State Intergovernmental Collaboration on Criminal Justice Issues and Solutions
Webinar Series

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National Criminal
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Webinar Overview

3:00-3:10 PM - Introductions & Housekeeping - NCJA

3:10-3:30 PM - State – Tribal Collaboration Act and the NM Corrections Department, Office of Recidivism Reduction – David Huerta/Tex Joey

3:30-3:50 PM - Working with Multiple Jurisdictions, WA Department of Corrections and Snoqualmie Indian Tribe's MOU - Steve de los Angeles/Kelly Buchanan

3:55-4:25 PM - Moderated Q&A Session - All

4:25-4:30 PM - Concluding Comments and Evaluation

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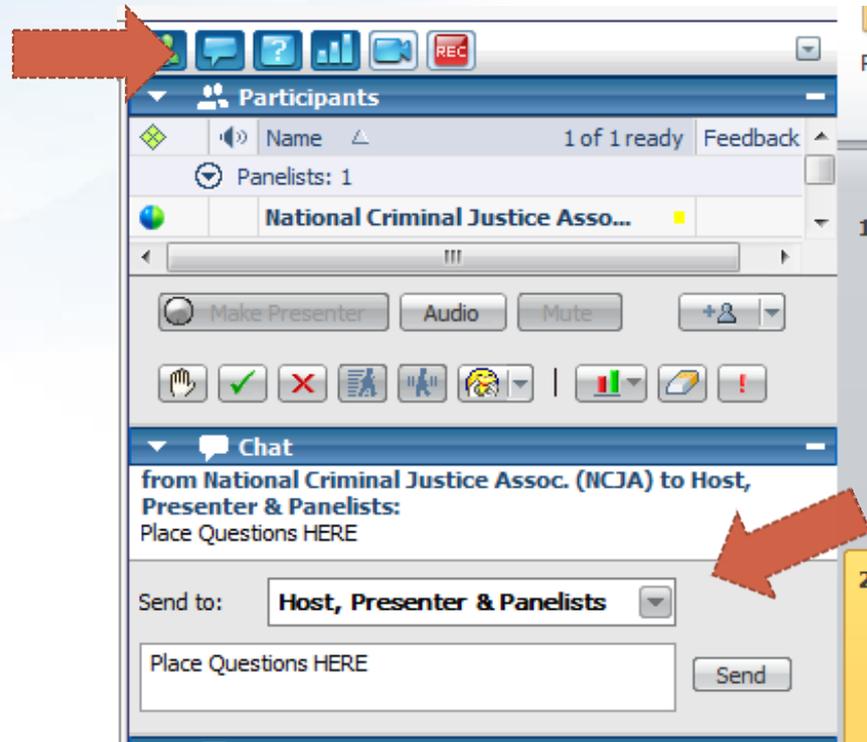
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Moderator

Cabell Cropper
Executive Director
National Criminal Justice Association

Presenters

David Huerta,
Director
Office of Recidivism Reduction, New Mexico Corrections Department

Tex Joey
Native American Programs Coordinator,
Office of Recidivism Reduction, New Mexico Corrections Department

Steve de los Angeles
Chief Corrections Officer
Snoqualmie Indian Tribe

Kelly Buchanan
Community Corrections Officer
Washington Department of Corrections

NEW MEXICO CORRECTIONS DEPARTMENT



"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."
„We commit to the safety and well-being of the people of New Mexico by doing the right thing, always.“

RECIDIVISM REDUCTION DIVISION NATIVE AMERICAN RELIGIOUS PROGRAMS

Collaborative Webinar
February 3, 2014

David Huerta, Director – Office of Recidivism Reduction
Tex Joey, Native American Programs Coordinator

AGENCY OVERVIEW

❑ Vision

Through innovative and principled public safety strategies, the NMCD shall set the ethical standards and correctional best practices for the statewide corrections community.

❑ Mission Statement

We Commit to the safety and well-being of the people of New Mexico by doing the right thing, always.

❑ Operational Overview

The New Mexico Corrections Department (NMCD) houses 6,840 offenders in six public and five private prison facilities, including one facility designated for female offenders. Of these, 522 inmates are self identified Native Americans. Of which, 484 are Native American men and 38 are Native American women.*

*As of January 3, 2014

OUR MISSION

- The Office of Recidivism Reduction is committed to the citizens of New Mexico to decrease pro-criminal attitudes and behavior among offenders. We are committed to providing evidence based programs that will provide the skills necessary for the offender to become productive and law-abiding.

Our mission is to fulfill the Department's Public Safety purpose by providing and developing evidence based programs designed to reduce recidivism and to prepare offenders to be productive, law-abiding citizens in their communities.

- We accomplish our mission, in relation to our Native American Religious Programs, in the following ways:
 - Assist Native American inmates in their spiritual development and growth by encouraging participation in Native American Religious Programs.
 - Establish policy and procedures for developing and operating Native American Religious Programs within correctional institutions, in accordance with the requirements of the Native American Counseling Act (NMSA 1978, Sections 33-10-1 through 4) and other applicable laws and standards.
 - Provide guidance to Corrections Department employees (including administrators, officers, staff, and chaplains) and volunteers, in making informed decisions concerning Native American religious practices, so that both Native American religious beliefs and practices, and the reasonable security needs and requirements of the correctional environment, may be accommodated

PROGRAM LEADERSHIP AND OVERSIGHT

Director – Office of Recidivism Reduction

David Huerta

Native American Programs Coordinator

Tex Joey

Mr. Joey is a dual member of the Ute Tribe and Navajo Nation. As a child, Mr. Joey experienced life with both the Ute Tribe and Navajo Nation and was able to gain insight into two very different worlds. In addition, Mr. Joey served his country in the United States Marine Corp. in the Vietnam War. In 1980, Mr. Joey was a behavioral health counselor employed by the Navajo Nation. This assignment ended in 1987. After a break in service with the Navajo Nation, Mr. Joey served as Director of behavioral health at the Crownpoint Agency within the Navajo Nation. Mr. Joey served as Crownpoint Agency director for three years from 1993 - 1996. In 1996, Mr. Joey served as Director at the New Lands Agency, in Sanders, Arizona for the Navajo Nation. He held this position from 1996 – 2000. In 2000, Mr. Joey accepted a position with the New Mexico Department of Corrections as Native American Clergy. In anticipation of the State – Tribal Collaboration Act, Mr. Joey's responsibilities increased to his current role as Native American Programs Coordinator. Mr. Joey has served in this capacity for over thirteen years and in addition has served in the following roles:

- 1 – Policy Development for Native American Offenders.
- 2 - NMCD appointed liaison between NMCD and the Indian Affairs Committee.
- 3 - NMCD appointed liaison between NMCD and New Mexico Tribal Judicial Entities.

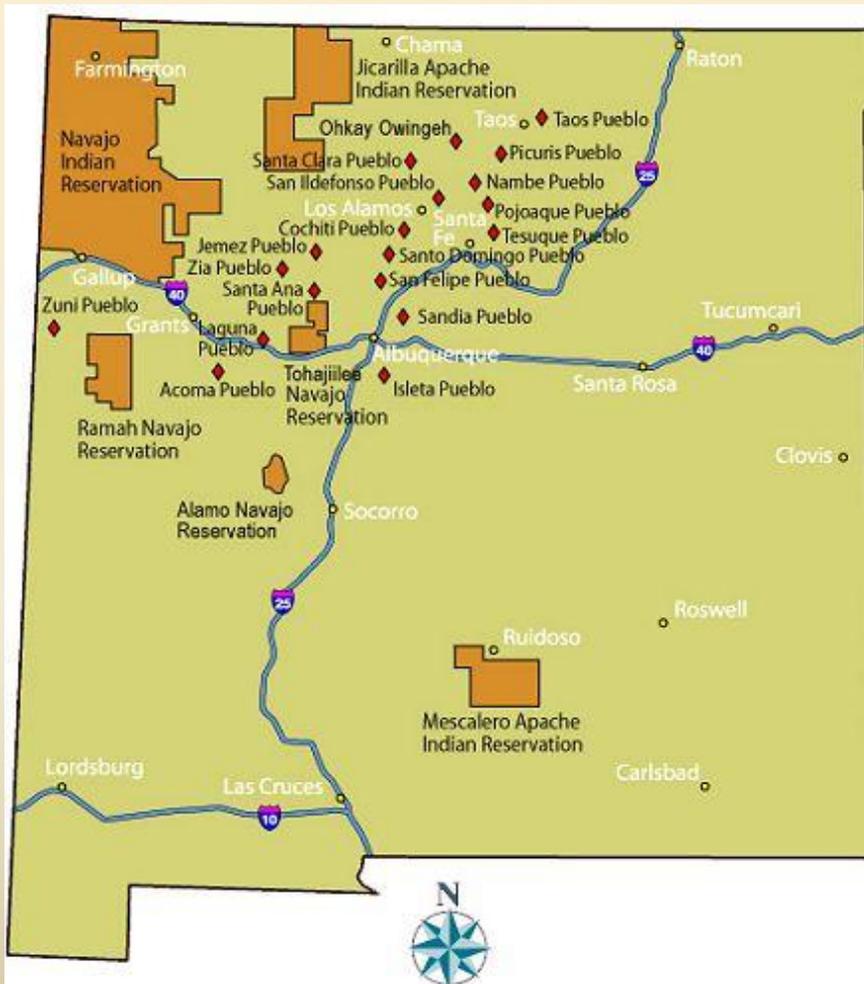
STATE – TRIBAL COLLABORATION ACT

- In 2003, the State of New Mexico and 21 of 22 Indian Nations, Tribes and Pueblos of New Mexico adopted the 2003 Statement of Policy and Process (Statement), to “establish and promote a relationship of cooperation, coordination, open communication and good will, and [to] work in good faith to amicably and fairly resolve issues and differences.” The Statement directs state agencies to interact with the tribal governments and provides that such interaction “shall be based on a government-to-government relationship” aimed at furthering the purposes of meaningful government-to-government consultation.
- In 2005, an Executive Order 2005-004 mandating that the Executive State agencies adopt pilot tribal consultation plans with the input of the 22 New Mexico Nations, Tribes and Pueblos.
- On March 19, 2009, the State Tribal Collaboration Act (STCA) was signed into law. The STCA reflects the commitment of the state to work together with tribal leaders on a true government-to-government basis. The STCA institutionalizes the intergovernmental relationship through several interdependent components and provides a consistent approach through which the State and the Nations, Tribes and Pueblos can work together to better collaborate and communicate on issues of mutual concern.
- In the fall of 2009, pursuant to the STCA, the SAFER New Mexico Group, comprised of the Department of Public Safety, Department of Homeland Security and Emergency Management, Department of Military Affairs, New Mexico Corrections Department and the Public Defender Department, met with representatives from New Mexico’s Indian Nations, Tribes and Pueblos to develop an overarching policy that:
 - Promotes effective collaboration and communication between the state agency and New Mexico Indian Nations, Tribes and Pueblos;
 - Promotes positive government-to-government relations between the state and New Mexico Indian Nations, Tribes and Pueblos;
 - Promotes cultural competence in providing effective services to American Indians or Alaska Native; and
 - Establishes a method for notifying employees of the state agency of the provisions of the STCA and the Policy that the Agency adopts.
 - The Policy meets the intent of the STCA and defines the Agency’s commitment to collaborate and communicate with the Tribes.

NATIVE AMERICAN COUNSELING ACT

- It is the purpose of the Native American Counseling Act [33-10-1 to 33-10-4 NMSA 1978] to provide a program of counseling for Native Americans confined in penal institutions in New Mexico, to teach good work habits and develop motivation through work; to develop and instill cultural pride and improve the self-image of Native Americans; to develop an understanding of the cultural differences between Native Americans and other ethnic groups and assist the Native American in relating and adjusting to such differences; to train the Native American and his family to develop attitudes of mutual trust, mutual respect and an interdependence based on mutual understanding; to increase the availability of Indian spiritual leaders for teaching Native Americans in the areas of Indian history, cultural sensitivity and Indian religion; and to generally involve Native Americans in those aspects of the penal system that will assist in their rehabilitation and adjustment to a fuller life after their release from confinement

NEW MEXICO NATIVE AMERICAN TRIBES



Twenty-Two (22) Federally recognized New Mexico Native American Tribes

- Jicarilla Apache Nation
- Mescalero Apache Tribe of the Mescalero Reservation
- Navajo Nation (Arizona, New Mexico and Utah)
- Ohkay Owingeh (formerly the Pueblo of San Juan)
- Pueblo of Acoma
- Pueblo of Cochiti
- Pueblo of Jemez
- Pueblo of Isleta
- Pueblo of Laguna
- Pueblo of Nambe
- Pueblo of Picuris
- Pueblo of Pojoaque
- Pueblo of San Felipe
- Pueblo of San Ildefonso
- Pueblo of Sandia
- Pueblo of Santa Ana
- Pueblo of Santa Clara
- Pueblo of Santo Domingo
- Pueblo of Taos
- Pueblo of Tesuque
- Pueblo of Zia
- Zuni Tribe of the Zuni Reservation

NATIVE AMERICAN OFFENDER STATISTICS – NEW MEXICO*

Offense Type	Total	Percentage
Crimes against persons	447	31.8%
Crimes against property	207	14.7%
Public order crimes	143	10.2%
Sex crimes	93	6.6%
Drug crimes	83	5.9%
Traffic crimes #	296	21%
Homicide	92	6.5%
Non-violent crimes	46	3.3%
Total	1,407	100%

*As of January 3, 2014

Majority of these cases
involve DWI Offenses

NATIVE AMERICAN RELIGIOUS PROGRAMS

- ❑ Native American Religious Programs (group and/or individual) shall be afforded to Native American men and women inmates at correctional facilities that are Security Level I, II, III or IV, consistent with reasonable security requirements. Inmates at correctional facilities that are Security Level V or VI will normally not be allowed to participate in group or congregate Native American Religious Programs (such as Sweat Lodge Ceremony). However, such inmates may be afforded individual access to a Native American Spiritual Advisor, with the Spiritual Advisor providing any required congregate or personal religious items, if approved by the Warden.
- ❑ The Corrections Department will employ a Native American Programs Coordinator. Each institution within the Corrections Department shall provide the Native American Programs Coordinator with relevant information on all inmates wishing to participate in Native American Religious Programs.
- ❑ The Corrections Department, through its Native American Programs Coordinator and chaplains, shall make reasonable efforts to recruit and provide for Native American Spiritual Advisors who, on a volunteer basis, will provide religious services and guidance to Native American inmates who are confined in correctional institutions.
- ❑ Once an inmate has submitted satisfactory and sufficient Documentation of Native American Heritage, and once the Native American Programs Coordinator has verified and authenticated such documentation and information, the Native American Programs Coordinator shall issue a Native American Heritage/Verification Report Form stating that such inmate's Native American Heritage has been established for purposes of this policy. A copy of this report shall then be placed in each inmate's file.
- ❑ The names of all inmates who have been issued a Memorandum of Native American Heritage shall be kept on a roster at NMCD's Central Administration Office, and such information shall be entered as part of the inmates' electronic record on the Corrections Department CMIS-Offender Management System.

VERIFICATION OF STATUS

- All questions concerning an inmate's status as a "Native American" for purposes of Policy and this Procedure, all questions concerning the authenticity or sufficiency of an inmate's Documentation of Native American Heritage, and generally, all questions regarding the eligibility of any inmate to participate in Native American Religious Programs shall be referred to the Native American Programs Coordinator.
- A "Native American" is an inmate who has provided "Documentation of Native American Heritage" to the Corrections Department, as follows:
 - Generally, an inmate who submits a tribal census or enrollment number will be presumed to have provided satisfactory and sufficient "Documentation of Native American Heritage" so as to qualify as a "Native American" for purposes of Policy and these Procedures, and so as to be immediately—and permanently—eligible to participate in available Native American Religious Programming.
 - If an inmate who wishes to be considered a "Native American" for purposes of this Policy and these Procedures has no valid Tribal Census or Enrollment Number, but appears to the Native American Programs Coordinator to be eligible to apply for and receive one, then the Native American Programs Coordinator may, in his/her discretion, grant such inmate a ninety (90) day grace period. During this grace period, the inmate shall apply for a Tribal Census or Enrollment Number and shall be considered immediately, but provisionally, eligible to participate in available Native American Religious Programming.
 - In the rare instance in which an inmate wishes to be considered a "Native American" for purposes of this policy, but is ineligible for, or otherwise unable to obtain, a tribal census or enrollment number, such inmate may qualify him/herself as a "Native American" by submitting other evidence in lieu of a tribal census or enrollment number. Such evidence may include, but is not limited to, the following: affidavits from tribal members attesting to the inmate's Native American lineage.
 - An inmate, who submits satisfactory and sufficient evidence in lieu of a valid tribal census or enrollment number in accordance with the provisions of Policy CD-101100 and these Procedures, will—at the conclusion of the review and approval procedure—also qualify for permanent status as a "Native American" and be eligible to participate in available Native American Religious Programming.
 - If at the end of the ninety (90) day grace period, the inmate still has no valid Tribal Census or Enrollment Number, or has failed to submit other sufficient evidence or Documentation of Native American Heritage satisfactory to the Native American Programs Coordinator, then the grace period shall expire and the inmate shall no longer be eligible to participate in Native American Religious Programming.
 - Documentation of Native American Heritage in the form of a Tribal Census or Enrollment number shall be submitted to the Corrections Department through the institutional Chaplain or Deputy Warden for Programs, or through the Native American Programs Coordinator. Documentation of Native American Heritage in the form of Evidence in Lieu of Valid Tribal Census or Enrollment Number shall be submitted to the Corrections Department through the Native American Programs Coordinator.

NATIVE AMERICAN RELIGIOUS CEREMONIES

- Native American spiritual life is founded upon and based in rituals and traditions, rather than writings. Ceremonies are therefore the primary vehicles of religious expression. One of the fundamental precepts of Native American spirituality, which underlies all forms of religious expression, is a belief in the interconnectedness of all natural things and all forms of life with primary importance attached to Mother Earth.
 - Sweat Lodge Ceremony. This ceremony utilizes the elements of earth, water, fire and air to teach and restore physical, mental, emotional and spiritual health and holistic well being to the practitioner.
 - Talking Circle Ceremony. During the Talking Circle Ceremony, an eagle feather/staff is passed from person to person around the circle. Possession of the eagle feather gives the participant the time, space and opportunity to speak. He/she may unburden him/herself by describing problems, relating negative or traumatic experiences, or simply speaking about issues of interest or concern. Speaking out helps the participant to develop a better understanding of him/herself, cleanse the emotions, and thereby begin the healing process. Other participants benefit when thoughts and feelings are expressed openly and honestly in the safe and supportive container of the ceremony.
 - Blessing Way Ceremony. This ceremony is performed for a specific person and a specific issue. It helps to induce a holistic healing in that the participant is touched at all levels of his/her being: physical, mental, emotional and spiritual. During this ceremony, the elements, the four (4) cardinal Directions, the related teachings and the energies of the Native American Spiritual Advisor him/herself are used, along with medicinal herbs, to cleanse and bless the participant.
 - Pipe Ceremony. Pipes are used during both private and group ceremonies. The pipe is a symbol of both male and female, both balance and harmony. It is used to facilitate prayer and communication with the Great Spirit/Creator and with the spirit helpers who gave Native Americans this ceremony. A Native American Spiritual Advisor presides over this ceremony and chants the prayer in which the spirit helpers are asked for assistance.
 - Smudging or Traditional Cleansing Ceremony. Smudging is the burning of certain herbs to create a cleansing smoke bath, which is then used to purify people, ceremonial and ritual space, and ceremonial tools and objects. The principle herbs used are sage, cedar or juniper, lavender and sweet grass.

CONGREGATE RELIGIOUS ITEMS

- Depending upon local tribal traditions, certain items are required for the traditional rituals and ceremonies that are the primary vehicles of communal Native American religious expression. These items shall be referred to as “Congregate Religious Items.” “Congregate Religious Items” includes, but is not limited to, the following:
 - Sweat Lodge: The Sweat Lodge and its grounds are the sacred ceremonial setting for communal prayer, spiritual healing and purification
 - Pipe
 - Water drum
 - Ceremonial drum
 - Rattle
 - Staff
 - Tobacco
 - Herbs and other materials, including: cedar, sage, sweet grass, corn pollen, cornhusks, eagle and other feathers, willow and lava rock.
 - Peyote: Although considered a congregate religious item, the possession or sacramental use of peyote by any inmate of the Corrections Department is strictly prohibited.

PERSONAL RELIGIOUS ITEMS

- Depending upon local tribal traditions, certain things are required for the traditional rituals and ceremonies that are the primary vehicles of individual Native American religious expression. A Request/Approval for Medicine Bundles, Bag or Pouches must be submitted for and approved prior to obtaining any of the following:
 - Medicine Pouch or Bag: A Medicine Pouch or Bag is worn around the neck and generally contains some or all of the following: corn pollen, corn meal, sage, cedar and tobacco. Eagle Talons and Antlers are prohibited.
 - Spiritual Bundle: A Spiritual Bundle is kept in the inmate's cell and generally contains some or all of the following: prayer pipe, drum, Eagle/Hawk feathers, pieces of animal skin, small amounts of sacred herbs (usually cedar, sage, sweet grass, tobacco, corn pollen and corn meal), small stones (usually crystal and turquoise), sea shell, religious medallion and corn husks.

GUIDELINES AND RESTRICTIONS

❑ Congregate Religious Items

- ❑ Congregate Religious Items (including a Sweat Lodge) shall be afforded to Native American men and women inmates at correctional facilities that are Security Level I, II, or III, consistent with reasonable security requirements.
- ❑ Religious items for Security Level IV shall be allowed in accordance with policy.

❑ Possession of Personal Religious Items

- ❑ A Request/Approval for Medicine Bundles, Bag or Pouches must be completed, approved, and carried or stored along with any of the following:
 - ❑ Medicine Bundles: Native American inmates at correctional facilities that are Security Level I, II, III or IV, may be afforded the right to acquire and keep personal Medicine Bundles in their possession with approval from the Warden.
 - ❑ Medicine Pouches or Bags: Native American inmates at all correctional facilities, including facilities that are Security Level V and Level VI, may be afforded the right to acquire and keep personal Medicine Pouches or Bags with approval from the Warden.
- ❑ Denial of any authorization to possess any of the above shall be documented in writing by the Warden on the Request/Approval for Medicine Bundles, Bag or Pouches.

NATIVE AMERICAN SPIRITUAL ADVISORS

- **Native American Spiritual Advisor:** Spiritual leader who is generally recognized by his/her tribe or community, who is guided by wisdom, experience and traditional knowledge (e.g., of herbs, chants, prayers and songs), who can assure the authenticity and integrity of religious observances, and who can provide the ceremonial setting necessary for purification and spiritual healing.

- The Corrections Department through its Native American Programs Coordinator and chaplains shall make reasonable efforts to recruit and provide for Native American Spiritual Advisors who, on a volunteer basis, will provide religious services and guidance to Native American inmates who are confined in correctional institutions.
 - **Qualifications:** All Native American Spiritual Advisors will provide written and/or oral proof of knowledge and training to the Corrections Department. It will be the responsibility of the Native American Programs Coordinator, in cooperation with the institutional Chaplain, to verify and authenticate such information.
 - **Background Check:** All Native American Spiritual Advisors will be required to have an NCIC background check.
 - **Orientation:** Native American Spiritual Advisors and any assistants will be required to attend the mandatory orientation for all volunteers.
 - **Status:** Native American Spiritual Advisors shall be afforded the same status as the clergy of any other recognized religion, and should receive the same professional courtesy and access to inmates that is afforded to ordained clergy.

- When Native American Spiritual Advisors visit the institution, they will generally have a number of sacred religious items with them. These sacred articles, such as a medicine bundle and small drum, to name a few, should ordinarily not be handled by staff. The sanctity of the religious articles is honored in the same way one honors the sanctity of sacred objects in any house of worship.

- It is recommended that they be visually inspected. Botanicals may be tested. In order to expedite entrance procedures, Chaplains are encouraged to request in writing approval from security to allow the Chaplain to visually inspect the sacred items. Advance notice of appropriate inspection procedures will be given to the Spiritual Advisor.

CONCLUSION

“To remain intelligent in our approach and practices, we must embrace the notion that every aspect of correctional operations and programs, from prison to supervision, conceivably (and in some ways accurately) affects the prospects of offender reentry. Our philosophical commitment to reentry efforts should be *From Cradle to Grave!*”

Working with Multiple Jurisdictions and Memorandums of Understanding



WHO WE REPRESENT

Snoqualmie Tribal Probation

- established 2011

Washington State Department of Corrections

- supervises 18,000 offenders in communities and work releases throughout the state.

STEPS WE USED TO DEVELOP A MEMORANDUM OF UNDERSTANDING (MOU)

- Tribal council asked to supervise tribal members.
- Tribal Chief of Probation reached out to DOC Community Corrections Officer for direction.
- DOC drafted the MOU which was a five month process.

WHAT IS A MOU?

- A document /contract between related parties
- Define your purpose and scope
- Put in plain and simple language for all parties to understand and agree upon
- Responsibilities of all parties

WHAT IS THE PURPOSE?



- Public safety
- Offender Accountability
 - Training
 - Resources

CHALLENGES

- Getting that first step to development
- Bureaucracy
- Learning each others jurisdiction limitations (laws and procedures)
- Cross culture issues
- Tribe has no land base



Big Picture



BIG PICTURE

- Public Safety
 - Reconnect with culture
- Offender Change and Success



WHAT WE LEARNED

- Be pro-active
- Communication is key
- Cultural awareness
- Policies and procedures
- Additional community resources

BUILDING RELATIONSHIPS: WHO SHOULD I CONTACT?

- State – Department of Corrections and or Probation/Parole
- County – Probation
- City – Probation
- Tribes - Council



Steve De Los Angeles

Chief Probation Officer

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Kelly Buchanan

Community Corrections Officer

23 - 148th Ave SE

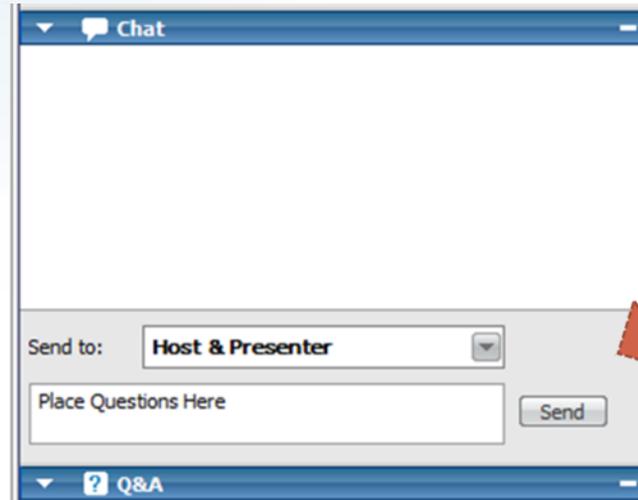
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Q & A

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The 2013 Tribal-State Intergovernmental Collaboration on Criminal Justice Issues and Solutions Webinar Series highlights partnership activities involving tribal, state or local, and federal entities who are working together to enhance public safety. In this 8-part webinar series, tribal, state, federal presenters from law enforcement, public safety and courts communities will share their experience and solutions to address criminal justice issues. Key sponsors and Partners of this webinar series are below:

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BJA & Other Resources

BJA Resources

- *FY 2014 Coordinated Tribal Assistance Solicitation*, March 24, 2014
- *Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse and Mental Health Disorder FY 2014 Competitive Grant Announcement*, March 18, 2014
- *Second Chance Act Technology Career Training Program for Incarcerated Adults and Juveniles FY 2014 Competitive Grant Announcement*, March 17, 2014
- *PREA Program: Demonstration Projects to Establish “Zero Tolerance” Cultures for Sexual Assault in Correctional Facilities FY 2014 Competitive Grant Announcement*, March 6, 2014
- *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
- *Improving Responses to People with Mental Illnesses: The Essential Elements of Specialized Probation Initiatives*
<http://csgjusticecenter.org/mental-health/>

Federal & Other Resources

- Bureau of Justice Assistance Website
<https://www.bja.gov/Default.aspx>
- DOJ Tribal Justice and Safety Website
www.justice.gov/tribal/
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website
<http://www.justice.gov/tribal/tta.html>
- The Tribal Law and Order Act (TLOA) Long Term Plan to Build and Enhance Tribal Justice Systems
<http://www.justice.gov/tribal/docs/tloa-tsp-aug2011.pdf>
- Walking on Common Ground Website
www.WalkingOnCommonGround.org
- BJA’s National Training and Technical Assistance Center (NTTAC) <http://bjatraining.org/>
- CrimeSolutions.gov

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>

&

<http://tloa.ncai.org/>

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