

## State-Tribal Collaboration Webinar Series

### Preparing to Return Home: Tribal and State Reentry Collaborations

Tammy: I see we have a few more people joining, Tavia, so we'll try to get started in just a couple minutes.

All right Tavia, are we ready to get started?

Tavia: Sounds good.

Tammy: [inaudible 00:04:32] Have we started recording?

Tavia: Yes, Tammy, we're good to go.

Tammy: Thank you. Good afternoon, everyone. I'm Tammy Woodhams, Senior Staff Associate for the National Criminal Justice Association. I am a member of the State Internal Intergovernmental Collaboration Training and Technical Assistance Team which is administered through MCJA in partnership with the National Congress of American Indian. I want to welcome all of you to today's webinar entitled "Preparing to Return Home: Tribal and State Reentry Collaborations." Thank you for joining us today. We have over 200 people registered to participate in today's session. Representing a variety of practitioners, a number of disciplines from representing Indian country, state, local and central criminal justice agencies. It's a really good turnout, I want to thank you all for joining us.

Before I turn it over to today's presenters, I would like to cover a few logistical items. First of all, we'll be recording today's session for future playback and the link to the recording will be posted on the MCJA website and we'll make the slides and everything available to you at a later point within the next week. Because of the number of people who are on the call today, we have muted all attendee phones to reduce background noise. I want to say a word about sponsors. First of all, I would like to thank the Bureau of Justice Assistance ...

Tavia: Hi everybody, this is Tavia from MCJA. If you just hang in tight for one quick second, we're just checking to make sure that Tammy's audio comes back on.

John: Tammy, I can hear you. It's John.

Tavia: To briefly pick up where Tammy left off, I will just want to say that this webinar is being audio cast via the speakers on your computer. If you would like to join using the phone, the caller number can be found at the end of your registration email, or on the event session info tab on the top left side of your screen. Throughout the webinar, you can submit questions using the chat feature. Just make sure that you select host, presenter, and panelist and you'll be able to type into the chat your questions or if you have any comments during the webinar.

Tammy: Tavia, can you hear me now?

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Tavia: Yes. We are on [inaudible 00:09:16] slide if you want to pick up there.

Tammy: You're on the chat feature slide, right? I'm on. This session is scheduled for 90 minutes and we have allotted time at the end of the session to address questions. We really encourage you to use the chat feature as we go along to submit your questions throughout the session, as well. Today we are fortunate to have with us six presenters, including Kim Cobb, from the American Probation and Parole Association, followed by Peter Ortego, from the Ute Mountain Ute Tribe, and John Walsh, US Attorney from the District of Colorado.

They will be followed by a team from South Dakota, including Ed Ligtenberg, Director of Parole from the South Dakota Department of Corrections, Bradley Lewandowski from also with the Department of Corrections, he's a Parole Field Supervisor there. As well as Joan White, is a Director on the Sex Offender Reentry program for the Wahpeton Oyate tribe in South Dakota. In the interest of time, the bios have been posted on the MCJA website and we will make a link available to you after a discussion. They're posted on the website now. With that, I'm going to turn the presentation over to Kim. Kim, are you there?

Kim: Yes, can you hear me?

Tammy: I can, thank you.

Kim: Great. Welcome everybody to the webinar today. My name is Kim Cobb, and I'm a Project Director with the American Probation and Parole Association. For those of you not familiar with APPA, we are a national membership association for community corrections professionals. I currently manage all of APPA's tribal related projects funded by the Bureau of Justice Assistance, to help troubled communities develop and grow their community corrections program. I want to take just a few minutes today before we get to the great speakers we have on the phone to just make sure that everybody's on the same page as far as the definition of what reentry is. Talk very briefly about what some key elements of reentry could be and then discuss some challenges of reentry that have been shared with me from some of the tribes that I've worked with on this issue.

When talking about reentry, the first thing to do is really define what we're talking about. Many times, you'll hear it referred to as a program or a project, but reentry is really a process that begins with intake at a secure facility and then continues through their placement back into the community. The single point in time of when a reentry process should start is really debated in the field. Some will argue that it starts at the pre-trial stage because that is really when the information gathering process starts. You'll see on here that I've highlighted that it's a process and that it's a seamless process. You want to make that transition from the facility back into the community as seamless as possible. That's what we're going to be talking about with the two programs

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today.

I pulled this definition from the publication on your screen, *Strategies for Creating Offender Reentry Programs in Indian Country*. This was a book that was authored by Ada Melton and it's a really great publication. I encourage you to download it. You can Google it and download it. It's a free publication. Again, she stresses that reentry as a process and not a single event. She goes on to say that it also includes the justice system, the individual themselves, their family, the community, victims, and community programs and services. All of these agencies and people come together to really help us develop solid plans for people when they're making that transition from a secure facility back into the community.

Some more ideas by way of definition of what reentry is. Again, you'll see there that it's highlighted that it's a process. Some other things that you may hear around reentry is that it's a form of supervision, like parole. Again, parole is actually the form of supervision. Reentry is the process that gets them from the inside facility back out into the community. You'll also hear reentry likened to rehabilitation or reintegration. I think all of these ideas come from the book, *But They All Come Back; Facing the Challenges of Prisoner Reentry* by Jeremy Travis. The one thing that I like about what he says in this book is that reentry is simply not an option. They all come back into the community. I think the statistic is about 95% of people that are incarcerated eventually come out back into the community. The question is, how do you want them to come out? Do you want them to come out with the support of services they need to be successful or without any support and services, which we all know leads them to recidivate.

These are some challenges. Again, these are just some ones that have been shared with me from a few other tribal jurisdictions. It's going to differ among communities based on what your challenges are, what your resources are. One of the biggest challenges is a lack of data about travel members incarcerated in non-tribal facilities. One of the things we heard is that some of the facilities will identify people as Native American, but they will not go further to collect information about specifically what tribe they're from. That's really a challenge for tribes to know who is in facilities where they are, and how they can be involved in the reentry of those people back into their community.

There's also lack of communication about what crimes they're in the facility for and what their transitional needs are. There's often poor or weak relationships between communities and facilities. A lot of times this has to do to the distance, between where the tribal community is and maybe where the tribal member is being housed in that facility, so it could be several states away which really hinders that communication process. It's difficult to communicate back to the tribe what the transitional needs are. Ways that the community can meet those needs and then who will provide supervision once that person returns back to the community.

A challenge that recently came up, working with the Ute Mountain Ute Tribe, which

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we'll hear from later, is serving non-tribal member to live on the reservation or in the tribal community. That has been a big challenge to them and that could be based on if you're providing services that receive federal funding, sometimes those funding strains are reserved for only enrolled tribal members. Even those that reside in your community, if they're not an enrolled tribal member, cannot have access to those services. That's a big challenge, I would assume, for other communities as well.

Some other challenges obviously involve family reunification. As mentioned on the other slide, if an individual is housed, say, several states away or several hundred miles away, it makes it very difficult for families to maintain contact with their family member while they're incarcerated. That becomes a challenge as this person then tries to integrate back into the community. Some tribes have shared that. It's also had generational effects on their tribe. A lot of their young adults are being incarcerated and so that transfer of knowledge and important cultural things such as language and customs and stories, are not making that transition because they're young adults, they're incarcerated, and not able to learn that from elders and then are not able to share that down their family chain, as well. They're seeing some generational effects of incarceration, as well.

Others who have family members that are their primary care givers incarcerated, obviously that's a big impact on the family not being able to provide financial aid but also I'm not having that family support. They see long term impacts of that, academically and professionally as well. Family reunification, community reunification. Getting them reintegrated back into the community, back involved in their tribal activities can sometimes be a challenge.

The biggest thing that I've heard about working with some tribal probation officers is the surprise returns back to the community. They know that somebody has been incarcerated and then all of a sudden they just see them back in the community and no notice had been given to the tribe that this person was returning. Obviously, that can have a big impact on victim safety and community safety. Those surprise returns were definitely a challenge.

This is a more recent report that was also authored by Ada Melton. I loved this quote in here that said, "Reentry should not be an eleventh hour activity that strains everyone's ability to develop an effective and supportive plan." I think that goes back to those surprise returns back to the community where everybody's trying to scramble to put services together and meet those needs of an individual that's returning back to the community. They say that the first 24 to 72 hours are critical for an individual to receive services. Having all of that laid out prior to a person's return to the community really alleviates this 11th hour activity and strain that Ada speaks about in the publication. Again, this is another publication that I would encourage you to take a look at and it's free, off the Community Corrections Institute website. I encourage you to take a look at that.

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Real quickly, wanted to run through some of the key elements of reentry. Again, some of these steps and some of these activities will vary based on your community. The main core stages are very consistent, so planning for confinement. Obviously, you want to make sure that risk and need assessment is being done within the facility that they're being assigned to Services and Interventions and that there's really planning happening from within the facility. Also planning for release day, that critical transition day is key. Planning for community; what's going to happen when they return back to the community? These are all areas that tribes can play a key role in.

In planning for confinement, it's important to know the facilities, obviously, that your tribal members are being housed in and to establish relationships with those staff. You can work with them to participate in the reentry planning. Letting them know what community services you have available that can contribute to somebody returning to your community. A lot of times, federal and state workers say that they really have no idea what services that a tribal member is eligible for and can participate in once they return back to the community. That's important to have that conversation with your facility.

It's also important to share what cultural needs you're offering the tribe has but maybe you can deliver to the people in the institution. Are there things that you could take to the facility to keep the person engaged in their community? Also, discuss ways to keep families engaged. Can the tribe maybe provide transportation for families to go visit and keep those family connections going. Those are important conversations that tribes can have while working with somebody in the facility.

Planning for release day, again, this really addresses those immediate needs that somebody has. The tribe could be instrumental in helping with transportation. Knowing where this person is going to be dropped off once they return back to the community or if the facility even provides transportation. Who's going to go pick them up? Medications is a critical need that needs to be really planned for prior to their release. A lot of times, they're only released with up to 15 days' worth of medication. It could take some time to get those prescriptions refilled and get all that taken care of and so, making sure there's no break in that medication cycle is important. Also, making sure that they have food and shelter. Those first 72 hours are critical needs.

It's also important that you can work with them during the reentry process, to go ahead and have some appointments set up and have some referrals ready so that when they come out, they know what's going to be expected of them and what they have to do immediately. Again, depending on how long they've been incarcerated, they may not know who they need to call to make those appointments. You can facilitate that process by working with them prior to the release day. It's also important to meet, if you're going to be supervising or assisting maybe a state or federal probation officer on providing supervision, although at times it helps if they meet whoever is going to be

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supervising them within the tribal community or working with them in the tribal community so that they have a face and a name of somebody that they can go to and who they're supposed to report to. A lot of times they're mandated to report to the supervising officer within one or two days of release, to get everything started. Making that contact before they're released really eases some of the tension that the re-entrant may be feeling.

Planning for community, we talked about some of these already. Family reunification, really identifying things that you can do to make that transition easier. It's important to talk with the institution about maybe who has been coming to visit them, or who they've been talking to on the phone or receiving letters from. That can be very telling, if they're telling their parole officer that they're going to be maybe going back and living with maybe their parents, but they've had no communication with their parents the whole time that they've been incarcerated, that could maybe be a red flag to check out that situation and see what needs to be happening as far as making sure the housing that they actually plan to return to, and if there's any issues there that need to be taken care of.

It's also a good time to start rallying your programs and services to meet those reentry needs and have a supervision plan in place. Probably the biggest thing is to be ready to deal with setbacks. It's not uncommon for people that are getting out of a secure facility to have violations. Planning, having a plan to deal with those so that your immediate response is not just to violate them and send them back but have a system of graduated responses in place.

Some of the benefits of a reentry process; obviously the biggest one is that you want to reduce the likelihood of seeing individuals revolving in and out of that secure confinement. Having all those critical needs met reduces recidivism. Having a plan in place for when they do have those setbacks reduces that revolving door of them going in and out of the facility. We talked about one of the challenges being generational loss of language and culture and their stories, and so really impacting the lives of future generations is important. Preserving those tribal traditions. Ultimately, you want to have the improved health and wellness of people in your community and ensure the safety of your community so that you're not having those surprise returns, that 11th hour activity that Ada Melton speaks of.

One of the other things I just wanted to talk briefly about is that as you're starting to think about reentry, if that's where your community is, don't get locked into the idea that it has to be this fully funded, full-fledged program in place. You probably already have some of the resources and services in your community that can already be allocated towards reentry. Don't think that reentry is something that you have to wait until next year to apply for funding for. Go ahead and start thinking about some of the services that you have now that if you know somebody's going to be returning to your community, that you can allocate towards their reentry. Again, every plan is going to be

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individualized based on those risk and need assessments. Think outside the box when you're thinking about putting some reentry initiatives together.

Again, this is just another quote from Ada. As you can tell, I'm a big fan of hers. She really issues this challenge to tribal communities in that "Re-entrants from jails or prisons need support from their respective tribes to return to their homes, families, relatives, and communities in a good way." She said, "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." To me, that's really her challenge to tribal communities that reentry is important and it's something that does deserve attention and that oftentimes, the reception that somebody gets from coming back home to the community from a secure facility, giving them that second chance can be the catalyst to really get them to change the life course that they're on. I love that challenge that she issues.

In closing, I just wanted to let everybody know that APPA has technical assistance available in those areas you see on your screen. If you're interested in talking about a reentry program for your community, I just encourage you to reach out to me at APPA and I'd be happy to talk with you more about that. With that, I'm going to turn it over to John and Peter.

John: Great and Peter are you on the line? It's John Walsh.

Peter: Yeah I sure am.

John: Great. As you can see, I am the US Attorney here in the District of Colorado and Peter is General Counsel to the Ute Mountain Ute Tribe. I think the experience that we're about to describe is really, I hope, relevant to many of the people on the line because we are, I think, collectively, fully embarked on this. We're in the early stages of it, so we're in the start-up segment of starting a reentry program in specifically, in cooperation and working with the community and the Ute Mountain Ute Tribe. Peter, do you want to comment on where we are?

Peter: Thank you John, sure. I'm Peter Ortego, I'm the General Counselor for the Ute Mountain Ute Tribe. In the main seat for the Ute Mountain Ute Tribe is in Towaoc, Colorado. We're in the Southwest portion of the state. The tribe also extends into Utah and into New Mexico. We don't have a residence population in New Mexico however, we do have a resident population in Utah. That creates some issues for the tribe as far as it strains our law enforcement to be able to provide services in both communities, as they're about 70 miles apart. It also requires us to coordinate with numerous state entities when we're working on a project such as this. At this point, we're focusing primarily in Colorado. We have an excellent relationship with the state of Colorado. There's a Colorado Commission of Indian Affairs in Colorado and that entity meets every three months and one of the participants in that meeting is the head of the Department

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of Corrections for Colorado. We've been able to reach out to them and to get some assistance from the state.

As you can see from the slide, we currently are experiencing a fairly high recidivism rate. We have the population of Towaoc is 1500. The population over in Utah is about 300. The total population for the tribe is about 2100 so we do have a significant population living off the reservation. Nonetheless, we do also provide services to them so for us, looking at recidivism, it may not be just people who are coming back into the community. It could also be people who are going to quote unquote, "return" but be off the reservation.

I'm going to go to the next. [crosstalk 00:31:29] efforts to ... address recidivism on the reservation where part of the [inaudible 00:31:36] Academy, which is [inaudible 00:31:38] effort [inaudible 00:31:41] and that is basically a Juvenile [inaudible 00:31:45] Program where we try to identify juveniles who are having difficulties and we give them services before they get into the criminal justice system and hopefully, that will keep them out. We have numerous efforts towards addressing recidivism. Some of which are focused on mental health counseling. We have a detention center here in Towaoc and so we're trying to get it geared up to where we can provide services at the detention center and as we're coordinating with the entities that are off the reservation, the other areas of incarceration, we're learning what they do to prepare people to come back to Towaoc.

Fortunately, as I said, in Colorado we have a very good relationship with the Colorado Commission on Indian Affairs. We have found that Colorado will do culturally specific practices and traditions for some of the Native Americans who are incarcerated. The tribe has been working very hard with the corrections to make sure that they have access to sweat lodges, that they don't always have to cut their hair. Things such as that, and that keeps the contact with the tribe while they're incarcerated.

Part of that effort was ... We had a summit in November where we met with various federal officials. John Walsh did an excellent presentation to us about what recidivism is and the reentry, I should say. Reentry is essentially the way now that we are addressing recidivism. Not just through the treatment that we do while they're incarcerated but once they come out, obviously, as you can see from the presentation that Kim made, once they come out, providing the service is extremely important. This entire effort is not just designed towards helping those individuals but it also helps the victims or anybody else in the community that could be concerned about someone coming in. We've had to address numerous aspects of the recidivism effort.

During that summit, we received a presentation not just from John but also from Kim. She did an excellent job summarizing what services she can provide and what the issues around reentry are. We also spoke about public safety here in Towaoc and in White Mesa. As I said before ... It is a struggle for law enforcement to provide services both in



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Towaoc and White Mesa, so the law enforcement actually have to coordinate very well with the sheriff's in both communities, particularly the one in White Mesa. In 2006, Troy Eid, who was the US Attorney for Colorado at the time, said that Towaoc was the murder capital of Colorado.

Since that time, we have had not only internally have we been building up some synergies to try to address that, but we've also been working with state and federal officials. We meet monthly, internally, to address our law enforcement issues and then we meet every three months or so with a larger group that includes folks like John Walsh and some of the state officials to try to address the public safety issues on the reservation. We have seen dramatic improvement. It has gotten much better, both in the community, the reputation outside of Towaoc has gotten much better, and we're receiving tremendous cooperation from numerous law enforcement agencies, health care agencies, mental health institutions.

In that 2004 summit, the tribe asked for some technical assistance. We sent a letter and asked that APPA provide eco-mapping and then we moved towards an eco-mapping session, let me get to the next slide here. We had a really excellent meeting, oops sorry, over a couple days where had a tremendous presence by our tribal council participating. We had the various tribal agencies that were involved, and that included everything from social services to education to mental health. I was there as the general counsel. The US Attorney's office was there, probation, BIA, and IHS. We did not have a state presence at that meeting, but that would be one of the things that we would be doing on our next step.

Since that meeting, I and several others from the tribe have gotten together with individuals from the state so we can start working with them. As you can probably anticipate, I think, for most tribes tribal members are sort of scattered throughout the [inaudible 00:36:47] facilities and it's been a little difficult for us to learn from ... The state about who is where and what tribe they're affiliated with, even though the facilities may figure out whether someone's native, they don't always pay attention to what tribe they're with and so we're trying to, at this point, find out who's in what facility.

Part of the eco-mapping, that was a new term to me so for those who don't know necessarily what it means, it's basically where there's an assessment done of what needs we have and what services we can provide. It identifies strengths, weaknesses, gaps and it helps us understand ... How do we get to where we want to be? We can identify where we are now and we know we have a long way to go. Like I said, we're moving in the right direction in many ways. I'm going to the next slide, here. John, would you like to say anything up to this point so far before I get back into what we came up with?

John: No, other than just really to add that to everyone who's thinking of embarking on this

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kind of a process, how important it was to have leadership from the tribal government and the tribal community, Peter and members of the Ute Mountain Ute tribal council, who were very enthusiastic and committed. Also, to really recommend that you bring in someone like either Kim or someone like Kim who can help facilitate the discussion. One of the things I think that can be confusing to both law enforcement and tribal leaders is what exactly do we mean by reentry? The presentations and the facilitated discussion that Kim did for us really, I think, helped us all to realize, "All right, there's some components here that we need to be thinking about, but it's really the tribal community that has to identify it's needs and really tailor a reentry program to the circumstances on the ground.

Peter: That's correct, that there's not going to be any one pattern that's going to fit for everybody. As Kim mentioned before, one of the things we identified at Ute Mountain is that we're also going to want to try to provide assistance to non-Indians and non-members who are coming onto the reservation. That's not a very significant population and I also don't anticipate that it's a very large population that's been incarcerated. Usually, when the tribe has trouble with some of its non-members or non-Indians, we address it in a whole myriad of ways and I'm not aware of that there will be anybody coming back who fits that category. We do want to be prepared.

As was mentioned by Kim, many of the federal sources or state sources for funds are often limited to members or to other Native Americans. We need to make sure that we can find a way to provide services, even when those funds may not necessarily be able to be committed. As I mentioned before, too ... We identified, I think, a little over 70 recidivists. People who on the reservation, are currently incarcerated or not, who tend to go cycle in and out of our jail, out of other jails. We've already noticed a reduction in recidivism by a small percent. We're aiming for a large percent, we're shooting for about 1/3 reduction in recidivism over a year. We are currently identifying where people are and when they would be coming back.

In order to continue with the eco-mapping and complete that process, we did what was, in my simple way of thinking of things, is sort of what would be a strategic planning session where we identified some needs and some [inaudible 00:41:02]. We spoke about ways to meet those needs and then identified individuals who would pursue that. I know for me personally, I was committed to trying to make the connections with the state detention facilities, and our county detention facilities. I gave myself 30 days to do that, which was optimistic but I'm heading there. I'm going to get there. I know we have several other tribal agencies that did the similar thing for themselves, such as acquiring mental health, such as seeking further grants, doing assessments, figuring out how to reach out to the individuals who are incarcerated.

We also have people in the community who were recently released back into the community, so we need to contact them, too, and see what they need. They didn't get the advantage, necessarily, of having us involved while they were in custody. If they're

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having problems since they got out, we want to work with them. I think it is important to know that reentry is not, as Kim said, it's not supervision. Really, we're finding people with needs, and we're trying to give them the services they need. If they want those services, then they're available. If they don't, it's up to them. They're not being forced to do it. However, I think given the option to find housing or employment for people coming out, I can't imagine they wouldn't be eager to do that. We have several programs where we're dealing with substance abuse, mental health, and that's both at the juvenile level and the adult level. Some of the federal entities that were also this eco-mapping, made commitments to be involved in various ways. I'm about to move on to the last slide, John, would you like to say something else?

John: No, I think some of the things on this results slide, I think we're very directly flowed from the discussion that happened at the March 2015 session. It was gratifying to see really a strong consensus forum on a few specific areas.

Peter: One of the things that I want to reiterate about what you said is that having the tribal council present was very important. A lot of times when we're doing a meeting and making decisions, if we don't have tribal leadership present, sometimes it's difficult for us to make commitments. It's difficult for us to necessarily state what the position of the tribe is. We had almost the full gamut of our tribal council participate in this, and it was really wonderful. They were able to not only make sure the tribe was committed to certain things, but they were able to state the tribe's position in certain matters and it really was a great benefit to everybody, to be able to have them there. I appreciate the opportunity to join in on this discussion today, and if you need to reach me feel free to. I can provide my email address or my phone number if people would like and we can talk about what's going on here further, if people would like to.

Ed: Thank you Peter and John. My name is Ed Ligtenberg, I'm Director of Parole for the state of South Dakota. Presenting with me today will be Joan and Brad. They are really representing our individual agencies and making this work in the field. The background and reasons for the CJI, nationally 1 in 31 are under some form of correctional control in South Dakota. That is 1 in 40. South Dakota's experienced a 24% increase in our prison population over the last decade, has experienced a 72% increase in the parole population in the last decade. Our budget has increased 45% in the last decade. Those numbers have increased dramatically.

As you can see, South Dakota's incarceration rates per 100,000 are larger than the surrounding states. The average for South Dakota is 416 per 100,000 compared to North Dakota with 226 and Minnesota with 185. You can also see that our incarceration rate for our female population in South Dakota is higher than some of the surrounding states. From 2000 to 2010, South Dakota's imprisonment rate has risen more than the national average. We increased 18% in that decade. South Dakota has also had a decline in a crime rate that has not kept pace with the national average. It gives you some background in some of the issues, though, we are seeing or have seen in the state of

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South Dakota.

Also, most inmates are not first time felons. Many have a prior admission, almost half of South Dakota's current inmates are recidivists. Our recidivism rates, which are defined as any return to prison, is 26.1% in 12 months, 39% in 24 months, and 43.8% in 36 months. That's defined as any return to prison, whether new admission or the violation of parole. In July of 2012, I'm looking at a snap shot of the population in the state of South Dakota, 25% of the prison population was parole violators and in a one month sample, 45% of the parole violations involved a drug or alcohol condition violation. You can see recidivism reduction is where we really can have an impact.

We have a limited ability to impact the first incarceration or placement in the DOC but after we've had them for a while, we have a responsibility to prepare them for a successful release and release them in a manner that contributes to success. We think that we can reduce the numbers and that negative impact. The research supports that recidivism can be reduced through evidence based practices. We don't want our lower risk offenders to get so far into the system, but increase the chances that they will continue to have problems in the system. When offenders do end up in prison or on parole or probation, you need to use evidence based practices to minimize the risk of recidivism.

As a result of this kind of data, South Dakota created a criminal justice initiative. The goals of the criminal justice initiative are to improve public safety, hold offenders accountable, reduce corrections spending and focus the prison space on violent, chronic, and career criminals. To get this done, South Dakota created a criminal justice initiative work group, it was established by the Governor, Chief Justice, and legislative leadership. There are 18 members of this group, and they involved individuals from the executive branch legislator judiciary, law enforcement, treatment providers, prosecutors and defense attorneys. Also had a counsel of advisors that provided some additional information to this group. Had two special subcommittees, a tribal subcommittee and a victim subcommittee.

The group conducted a multitude of listening sessions around the state of South Dakota. He was assisted by [inaudible 00:49:08] through a public safety performance project. The group met, the summer through the fall of 2012. They issued a report on their work in November of 2012. That report is on the South Dakota Department of Corrections website, if anyone is interested in that. The elements of the work and the report were reflected in legislation; senate bill 70, which was entitled the South Dakota public safety improvement act. The bill worked on reducing recidivism and increasing public safety through evidence based practices and focused on the community, both probation and parole. The legislation ... It's not prison reform, it's much broader than that. It's criminal justice reform. Prison is the end of the time but changes have to occur outside of prison to impact those prison populations.

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Criminal justice initiative had three areas, policy areas, that have worked on supervision and reinvestment, a statutory review, and efficiency and sustainability. The policy areas were designated to meet the goals of recidivism reduction and stronger supervision, and a reduction in the use of prison. The supervision reinvestment had a community based focus. Those with the higher risk are provided with higher services. Supervision is based upon evidence based practices with risk and needs. The lower level groups of people with lower levels of risks and needs, the goal is to get them off supervision as soon as possible. That required some additional resources in the community if we were going to keep those offenders in the community.

The statutory review focused prison on the highest classification of felonies. There's nine classes of felonies in the state of South Dakota. This legislation created a presumption of probation for the lower two classes of felonies. On the efficiency and stability, a lot of performance measures and outcome measures, requirements in the change in law, training for decision makers, a victim notice, restitution, those type of things. If we look at those three policy areas, the tribal pilot is part of the supervision and reinvestment policy area. To explain how we made those things happen in the community, I'm going to turn this over to Brad and Joan and they will explain how that legislation effected the community.

Tammy: Joan, I'm not hearing you. I'm having a really difficult time.

Joan: I am here, I'm not sure about Brad.

Tammy: Brad, can you unmute your phone?

Joan: I'll just introduce myself while we're waiting for Brad. My name's Joan White and I'm the director of the sex offender registry office for the Sisseton Wahpeton Oyate. I'm also over this tribal pilot project, which has just started. I see Brad's on, so I'm going to have him start with explaining about the tribal parole pilot program.

Brad: Sorry Joan, I must have unmuted twice. Joan and I, we'll go through the remaining slides and we'll switch back and forth, too. I'll start with the first one, senate bill 70 opened the door for a cooperative agreement between the state DOC and the tribal government. Somewhere in the state, initially when it started, the Secretary of Corrections and our Secretary of Travel Relations met with the tribes in the state to gauge interest and see what kind of support there was for the program. Ultimately, the Sisseton Wahpeton Oyate had the strongest interest and they really had a supportive tribal council and chairman. They also had a lot of community resources available to support a project like this.

In May of 2014, the tribal pilot agreement was signed between the state and the Sisseton Wahpeton Oyate. August 25th of '14 is when the program had a parole agent in place and that's when it officially kicked off. The pilot's set to run for two years. I believe

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there was about a quarter million dollars set aside for this project. As we go through this, you'll notice that as we developed it, the program seems really fluid. This is due to, on purpose, the agreement was written in a way that allows both the wellness team and the travel parole office to make adjustments as needed for the program.

The referral process that we use for the tribal pilot ... I went one too far. For an offender to be eligible for supervision on their compact, the tribe has to agree to accept the offender. He also needs to be released by the parole board or the Executive Director. The offender must agree to be supervised under the program. Currently, all tribal members on parole in the area are part of the tribal program. Currently, the case load for the tribal agent is ... It fluctuates between 38 and 39, and it's held steady at that rate since we started, for the last eight months.

Joan: Also, as part of our referral process, the tribal agent receives the referral and he addresses any needs, which are identified through either assessments or the prison case manager. He brings those to the wellness team for recommendations of available options. This is for the [inaudible 00:56:41] during the release process. For example, the tribal agent will receive the needs investigation, maybe a need would be [inaudible 00:56:52] treatment or after care. What they'll do is he'll go out into the community and he'll look at housing options with family members and things like that.

He also utilizes the wellness team when addressing violations of the supervision agreement that do not require [inaudible 00:57:14]. The team focuses on alternative to a parole violation, utilizing culturally based practices for parolees. Culturally based, does not necessarily mean that it's traditional ways because culture is in the community and so if parolees want to, if they have decided that they want to go back to their traditional ways or use it in other ways, then they're allowed to do that. We look at culture as what the culture is in the community. Parolees and their families can also request to meet with the wellness team to discuss or address any issues that they may have. Also, the wellness team has also requested family members to be part of our meeting. Brad?

Brad: The purpose of the pilot, obviously, is to reduce the number of tribal members returned to prison, and provide increased compliance with parole conditions and obviously, increase the safety to the community. The pilot is broken down into two main components. The first one being the Tribal Parole Agent. Through the assistance of state funding, the Tribal Parole Agent is hired and employed by the tribe to supervise DOC and parolees that are tribal members living on tribal lands. The second part of that is a wellness team. That consists of those community resources, then that can help with release planning, case management, and supervision of the parole defender. It's kind of open, we've opened it up to a lot of different resources available in the community and we have medical, mental help, tribal police, courts, child protection, veteran's offices, anybody that could assist us in the supervision of a parolee.

The Tribal Parole Agent, I'm just going through a little bit of what he does. He monitors

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the day to day activities of the parolee, conducting home visits and community visits to verify the offender's compliance with release conditions. He enforces all special conditions that are set by the board, the Director, the Wellness Team, or by the Tribal Agent himself, prior to release. A big part of what he does, also, is following up on the recommendations handed out by the Wellness Team and then reporting progress back to them. One of the big differences I see now with having a Tribal Agent in place, the Tribal Agent is in a much better position to address compliance issues swiftly and immediately because he's there and he has the jurisdiction to enforce the rules.

Prior to this, over the last 20 years or so, I supervised that area off and on. My office is about 100 miles from there. As this progresses, I'm realizing more and more how much more effective a program like this can be in that community. With regard to resources, when the Tribal Agent approaches resources in that community for assistance, it's really different than back when I used to do it. The referral's coming from the community, it's not from an outside entity. The travel agent is also more effective and able to follow up with the resources and enforce parole, follow through.

Prior to that, we've always had a good working relationship with the tribe over there and the resources. Again, as this developed, I didn't know all of the resources that were available that could assist with supervision. Also, with an agent living and working in the community, he has an awareness of what's going on that we didn't, coming in from the outside or just being 100 miles away. He's more available when the offender needs something. He's also more available to get information from family or community members that may have knowledge or information about things that are going on with parolees.

Joan: Under the Wellness Team, they meet on a regular basis to review and select parole referrals. We meet every Wednesday at 1:00, it's kind of a standard meeting. The Wellness Team makes the recommendations for treatments, community services, alcohol/drug testing. I know the first that we met when Brad was present, he was surprised that so many of our Wellness Team knew the parolee and knew their families. He had told us that he learned more in that first session than he did previously, just because this is our community. We know all of the individuals that are here, and so we're able to bring more to the table than you would somewhere else. During our team meetings, we meet with the parolees regarding violations and we determine the best course of sanctions and actions. As previously mentioned, the families are included if they request it or if the team requests it. We also utilize evidence based practices such as risk and need assessments, enhancing the motivation to change. We target intervention, positive reinforcement, community support, and provide feedback.

Brad: To cover a few of the initial concerns or issues that came up in the development of the program, boundaries; where we're going to set the boundaries and caseload size. Sisseton Wahpeton Oyate covers a large area in three counties. Actually, it's four counties in North Dakota, but it's really checkerboard with non-tribal communities. We

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just saw that as really getting difficult to control and gauge what we wanted the caseload's to be. The Wellness Team chose to limit the program to just the boundaries of Roberts County. That's where the majority of the population was for this pilot. As the pilot develops, we can expand that into those other areas, the other counties. One of the reasons for that is we also had to look at what we wanted this agent to have for her caseload, knowing that the workload tied to these cases may be higher due to its close involvement with the Wellness Team. We didn't know exactly how that was going to fold out.

The other issue that came up was the idea that only tribal members living on tribal land would be part of the pilot. The Wellness Team chose to open the program to any tribal member residing in the county, on or off tribal land. The reason being is in a checkerboard community, there's a lot of movement in residences there. Someone may be on tribal land one day and move off the next day. It's also difficult for some offenders to get tribal housing, so they're forced to live in town off tribal land. It would be difficult to track this from a program standpoint. One other issue is we didn't know how it would play out, but we expected that there might be issues with offenders moving off tribal land intentionally, just so they wouldn't have to be accountable to the Wellness Team.

The other one, and this one was kind of interesting. It took a while to play out, was Tribal Agent jurisdiction. The Tribal Agent would have jurisdiction on tribal land, but not off tribal land was the initial thought. The lack of authority to address violations wherever they occurred would hinder the effectiveness of the pilot. What we had to do, it took a little longer, but we had to adjust the statute to give the Tribal Parole Agent the same power of arrest as a state agent off tribal ground. In discussions, there were many different scenarios that led us to that decision. One being, it just didn't make sense. If you had an offender that was part of the travel pilot being dealt with by law enforcement off tribal land, where law enforcement contacts the Tribal Agent to find out what they wanted, how they wanted to address the issue. The Tribal Agent having to refer that law enforcement officer to call a state agent to get detainment authorization.

Another issue, interstate compact cases. We did not add compact cases to the Tribal Pilot case load. There's just some jurisdictional issues that we're going to need to work through. Shortly, we have a tribal member that wants to return back to the area. He has a South Dakota number, so he'd be supervised by South Dakota, but he's also serving a number for Iowa, so he'll be a compact case on top of that. That case may force us to look at it and see what we come up with, how we can work around that.

Another issue that we're looking at, [inaudible 01:08:48] brought up earlier, is how to address non-members living in the community that are on parole. These would be those enrolled with other tribes but living at the SWO community.

Joan: One of the things that we realized is that they have family here and they probably were



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raised here and we recognize names when we accepted them but come to find out that they were not tribal members here, they were tribal members of another tribe. Those are some of the issues that we still have to address. The next section of the decisions made by tribal parole office, one of the things is that the tribal parole Office chose to connect to the all needed DOC databases, including email and the DOC offender management system, which is COMS. We found out that when allowing the Tribal Parole Agent to utilize the DOC databases, it not only saved time but it also saved money. The Tribal Agent has access to all of the assessments and history that are needed to provide supervision and he can also easily complete the data entry into those systems. This also enhances the data that can be pulled and compared at the end of this project.

Under policies, we currently do not have a Tribal Parole Agent policy, so we're utilizing the DOC policies until we can develop our own policies that are adjusted to fit our program. The other thing is training, because the Tribal Agent works closely with state agents, it was decided that the Tribal Agent would receive the same training as the state agents, including the initial agent training and annual training. It enhances his ability to do his job. He works closely with some of the Aberdeen and Watertown agents and in the field.

Brad: Crossover between jurisdictions, to me it's really been really interesting. It's even, in some ways, it's been unexpected. I think it really shows the dedication of the players in this project and the desire to hook the offender up with the best possible resources. When you look at the fact that the Wellness Team utilizes both tribal and non-tribal resources in or outside of the community, the team, the local treatment center, Dakota Pride, has outsourced treatment and halfway house placements with other tribes, as well as resources off the reservation.

Another thing is the jails are really supportive. Parolee participants can be detained at the SWO tribal jail or any county jail in the state of South Dakota, as well as any DOC facility while under the jurisdiction of the Tribal Parole Office. The offender remains under the jurisdiction of the Tribal Parole Agent and will be returned to the Tribal Parole Office, unless a [inaudible 01:12:49] is mandated by a Travel Parole Violation Matrix. We've utilized even a DOC extended detainment, which allows us to return an offender back to prison for up to 90 days. Alcohol and drug monitoring programs that are available and utilized, [inaudible 01:13:14] tribal police and County Sheriff's Office. We'll do programs such as, we have a 24/7 program where the offender reports to the law enforcement center for TBT's twice a day, 12 hours apart. We also utilize a [inaudible 01:13:30] and remote [inaudible 01:13:33], both law enforcement centers, the tribal and the county, will conduct drug testing for the Tribal Parole Office.

We've used work release in both tribal jail and county jail. Usually, we use that in conjunction with the extended detainment. We may opt not to send the offender back to prison, but to keep them in the community doing work release. This allows the o

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offender to stay in the community, not lose employment, keep his housing and possibly continue to support his family. The DOC community transition program's been utilized where the parolee has returned to prison and he's allowed to leave during the day and do work release. After they save up a certain amount of money, then they can be released back to the community but that allows them an opportunity to get re-set up in a new place or in a new area. Also, referrals have been made to the Tribal Drug Court. We just started that probably in the last month. It's really a good program and it's growing there, too. It gives us additional systems and the monitoring and tracking and follow up with the [inaudible 01:15:01] too. Did you have anything to add, Joan?

Joan: The only thing is that we have a really good Parole Agent right now. He's very cognitive of what he needs to do and he makes sure that he does it. I'm real happy that we've been fortunate enough to find somebody that is very capable of doing this work with very little direction. I anticipate this program will be successful. We just started and so it's a brand new program. We're learning and we will learn more as we go along and add a lot more programs to it. I'm really excited to be involved in this process.

Tammy: Thank you, everyone. I really appreciate it Brad and Joan. I have several questions for you. I also have questions for all of the presenters so I don't want to lose you. Tavia, in the meantime, I wanted to share that the Bureau of Justice Assistance shared some resources with us and asked us to incorporate them into the PowerPoint slide. Tavia is just going to flip through them and so you know what's there, but there are valuable resources for you that will be available in the slide show when we send it out and right now, I'm going to turn to Q and A. I have a question that came in about healing. I know with the pilot project, you mentioned that you're engaging the Wellness Team. The question is, have you incorporated a healing ceremony for when people arrive back into the community maybe as a way of welcoming them, in a good way, back? Have you thought about that or done that? Joan? Brad?

Joan: We actually have not done that, but that was one of the comments by one of our Wellness Team members is not so much a healing ceremony, but she would like to see something along the lines of a lunch welcoming them back into our community as more of a positive thing for them. We have not had any of the healing ceremonies.

Tammy: In recognizing this is a fairly new pilot, too, and you're having new guys come in all the time. I want to go back to what you had said about the eligibility for supervision for the pilot project, and that the tribe must accept the offenders and [inaudible 01:18:22] Executive Director must grant the offender referral to the reservation or the region and then the offender must engage or agree to supervision under the program. There are a couple questions about what types of circumstances would lead the tribe not to accept the referral? Has that ever been an issue?

Joan: No, it hasn't. We've pretty much, at this point, accepted everybody that has asked to return. I don't know, Brad, can you think of anybody? I don't think we've denied

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anybody.

- Brad: I think early on with one of the meetings that we had, that was brought up and I think the group decided that they were going to extend this opportunity to everybody that wants to return because they didn't feel it was fair to pick and choose. To date, everybody that's come back has been part of it.
- Tammy: There's a follow up question to that. Does that mean that the Wellness Team works with all the individuals that come back?
- Joan: The Wellness Team addresses by primarily, violation. They don't meet all of the parolees. If they're doing well and they're complying with their conditions of release, you may never meet with them. We only address issues with violations or with referrals. Do you want to add to that, Brad, at all?
- Brad: We do, to date, like you said earlier; it's in its beginning stages. If a parolee wants to address the Wellness Team for whatever reason, they just let the agent know and we'll set that up. The team is always available to whoever needs them, it's just to date if somebody comes out, they don't have any needs, they don't have any hurdles, initially the agent will sign them up and then start supervision. They'll get in their programming that's already set up and if there isn't a problem, they generally don't go in front of the team. They can, and family members can.
- Tammy: There's a question about how victims of the crime may be factored into the community integration plan. Do you involve the victims of the crime in that planning or give notification or just what?
- Brad: There's a victim notification process in place through the department of corrections. Those victims would be notified already if they had let the DOC know that they wanted to know. Generally, some of that is sorted by the agent in the field, initially, when they're doing the release plan investigation. We're obviously not going to let somebody to parole to a residence where the victim is or he'd be close to you. To date, we haven't had an issue where it rose to the point that it would have to go in front of the committee to look at alternatives to the placement that they wanted, if that answers your question.
- Tammy: That's very helpful. I want to remind everyone to send in the questions using the chat feature, to host, presenter, and panelist. If there is a follow up question to that, feel free to send it in. There's another question regarding whether the program has increased tribal members eligibility for parole? Do you know if that's the case given that the state has a priority for reducing the population or running people out of the prison system. Do you know if it's having an impact on the number of people [inaudible 01:22:57]?
- Brad: I don't know what the numbers would be, but the way that this program can increase

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those numbers is the fact that in times past, when a state agent would check out a release plan, it was coming back to a residence that wasn't suitable. Whether it was drug activity, alcohol activity, or something else going on. That tribal member would have to look at an alternative placement, say in Sioux Falls, a bigger city. Maybe a halfway house, or he'd have to start out in the community transition program. With this program in place, that inmate really has a much better chance of setting up a plan that is approvable. I think in that sense, it's going to be helpful. We're getting a lot of emails from case managers that are hearing about the program. Excuse me, who have inmates that want to be involved, are asking to be involved. I think those, it makes, otherwise would have been looking to go to different areas.

Tammy: Do you see a day, I know you're focused right now and it's a pilot, on tribal members who are on now tribal land and non-tribal land. Do you see a day where you may also involve non-tribal probationers or parolees?

Brad: You mean non-Indian parolees?

Tammy: Right, yes. If you're not sure, we can take that one under advisement and discuss it with the group. I'll share with everyone now that we have a lot of questions and if we do not get to your question during the session today, or we don't have an immediate response from you, we will follow up in the near future in response to that. We have another question here, and regarding tribal healing to wellness court. There's an individual who's operating at tribal healings wellness court in their community. They're looking for thoughts on using healing to wellness services as a component of reentry services for individuals who meet the eligibility requirements. I think it was Peter and Kim and Joan say earlier, or make that connection between the Wellness Court, so if you could respond to that?

Peter: Over here at Ute Mountain, we don't have a wellness court. We have been looking into a course that would, maybe a drug court or wellness court, but we don't have one. I think that's a great question though, because I think that wellness courts could be extremely helpful in addressing some of these problems, particularly if there's a new offense. Having said that, not having a wellness court, I will now let someone else answer.

Kim: This is Kim. I would just say that there are a lot of rural jurisdictions that are looking into utilizing either a drug court or a healing to wellness court as a reentry service provider, as well, which I think provides them a very valuable service, so it serves clients on the front end as well as the back end of the system. I think the one cautionary thing is to one, really manage your eligibility criteria because a lot of drug courts have some pretty strict criteria on who can be involved in the program. The other thing would be you'd have to manage it feeling like a double prosecution as far as with the judicial involvement. I think it is a great way to manage, as Peter said, those re-offenses that typically maybe would send somebody back to the institution, so that revolving door.

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That could be managed through the healing to wellness court process as a graduated response, would be a great use of that kind of program. I think there would have to be some nuances that would have to be dealt with before it could serve as a reentry service.

Tammy: Thank you very much. You had mentioned a little bit about data sharing in the South Dakota Pilot Project. What are some unique challenges that are present in the tribal community as it relates to data sharing for a person transitioning out of the justice system, especially as it relates to accessing health care? We'll open it up to anyone who wants to answer that.

Peter: That's a great question. It seems to me that not having been involved in one, but preparing to get involved, we're anticipating that we're going to need releases from individuals in order to get their health care information. Our understanding is that even IHS has difficulty getting healthcare information. That in particular will be highly problematic as far as sharing information. [inaudible 01:29:02] speaker?

John: If I could just add, one of the things that we discovered in the sessions we've done again with Ute Mountain Ute is, for example, the Federal Bureau of Prisons is often not all that good. In fact, can be very bad about getting a returning prisoner's records back to the tribe. That's something that we've undertaken in our office to see if we can make some progress on. I'm sure that's replicated in some state systems, as well.

Tammy: Thank you very much. I'm assuming when they're coming back to the South Dakota Pilot Project and you've done your planning, that the issue of medications or mental health issues, [inaudible 01:29:53] are being made? Brad or Joan, can you talk a little bit about that?

Brad: Typically, those connections are made pre-release. Our institutional staff will set up appointments ahead of time, both for mental health and CD programming. The agent really doesn't have to do the footwork on that. Once the inmate comes out, he knows what day and what time to show up for his intake. Also, the Tribal Agent, like Joan said, is hooked to our database, the DOC database, so he has all the same information on that, any state agent has.

Tammy: Thank you very much. You will notice on your screen that Tavia has done the liberty of opening the closing poll. During the last couple of questions, we would ask you to provide your feedback [inaudible 01:30:57] this webinar. We use the information and appreciate your feedback. We use it for reporting purposes and to improve our future webinars, so thank you for taking the time to do that. Kim, I have a question for you having to do with what tribal programs and departments you have worked with in Indian country that have traditionally taken the lead in culminating key elements of reentry. I also have a follow up question regarding faith community involvement. Can you say a couple words about that?

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Kim: I would point you to look at the Muskogee Creek Nation reintegration program. That is a full-fledged, on-its-own program that I believe initially started with grant funding but now receives a considerable amount of support from within the tribal budget itself. They have a full blown reentry program where they enter a whole multitude of services for people reentering their community. They also provide programs within the prison system that their tribal members are housed in. Carrie Wyatt, one of the program managers, she goes in and does some cognitive behavioral programs with tribal members that are involved in their reentry program and so they actually go into the facility and work with the release folks to develop reentry plans, provide programming inside the facility, then they also manage supervision and service provision once they're released from the facility. They work close with state and federal probation and parole while they do that. I would point you to that program if you're looking for a fully operating program. I forgot the other question, can you say the other question?

Tammy: It was having to do with involving the faith community in reentry and if you're aware of how often the faith community is engaged or leading a reentry initiative?

Kim: Are you saying faith, like spiritual program?

Tammy: Yes, faith.

Kim: I think it really depends on the community and how they involve those services. It's also based on what the individual need is for the people coming out. The thing about reentry is that it has to be very individualized. I know somebody had asked a question about the welcoming home ceremonies, or the reunification ceremonies. I know the Muskogee Creek Tribe offers that, but again that's based on whether the individual wants that. Some prefer not to have that kind of ceremony or welcoming back. Others do. I think you really just have to look at the individuals you're serving and what their wishes are and try to hook them up with whatever kind of service they would like.

Tammy: I really appreciate that. I'm aware on the time, so I want to thank Kim, Peter, John, as well as the South Dakota team Ed, Brad, and Joan for sharing such valuable information and serving as our presenters today. Your involvement is really appreciated. Thanks so much. I'm going to remind everyone who participated that we will be turning a copy of the [inaudible 01:34:40] and PowerPoint slides in the coming weeks and we'll let you know when the recorded webinar is available for viewing on the NCHAA website, as well. Thank you all and have a terrific afternoon.

Peter: Thank you.

Kim: Thank you.

Joan: Thank you.

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