



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

EFFECTIVE DATE
12/14/22

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1 of 6

NUMBER
DOC 145.100

POLICY

TITLE

TRIBAL RELATIONS

REVIEW/REVISION HISTORY:

Effective: 12/14/22

SUMMARY OF REVISION/REVIEW:

New policy. Read carefully!


APPROVED:

Signature on file

CHERYL STRANGE, Secretary
Department of Corrections

11/16/22

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 43.376](#); [Governor's Office of Indian Affairs Centennial Accord](#); [Records Retention Schedule](#)

POLICY:

- I. The Department will have a Tribal Relations policy that honors tribal sovereignty and promotes effective government-to-government relations as outlined in the Centennial Accord.
- II. The Department values its relationship with federally recognized Tribal Governments in Washington State and will work with Tribal Governments in the development of policies, rulemaking, agreements/contracts, legislation, budget, and program implementation that directly affects one or more of the tribes or their enrolled members.
- III. The Department recognizes and respects the importance of tribal customs and cultural and religious practices. The Department will facilitate collaboration with Tribal Governments through open and free exchange of information and opinion regarding matters that have tribal implications in alignment with the Governor's Office of Indian Affairs Centennial Accord.

DIRECTIVE:


- I. Requirements
 - A. The Department will use the Corrections Indian Policy Advisory Committee (CIPAC) to ensure that the Department is in compliance with the spirit of this policy.
 - B. The Department will, prior to establishing rulemaking:
 1. Consult with tribal officials and representatives early in the process of developing the policy/rulemaking.
 2. Include a separate section in the notice of proposed rulemaking filed with the Office of the Code Reviser, containing a summary of tribal impact that includes:
 - a. Description of the extent to which the Department consulted with tribal officials and representatives,
 - b. Summary of Tribal Government concerns and the Department's position supporting the need for the regulation, and

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- c. Statement of the extent to which concerns of Tribal Governments have been met.

II. Tribal Consultation

- A. Tribal Consultation can be initiated by a Tribal Government, the Department, or the CIPAC for any issue, including but not limited to policy, rulemaking, agreements, legislation, budget, and program implementation that contains tribal implication.
 1. In addition to Tribal consultation, the Department will confer with Recognized American Indian Organizations.
- B. Tribal Consultation meetings will be held in person, via webinar, telephone, or other means that enables all attendees the ability to hear and be heard.
- C. Consultation meetings will consist of:
 1. The affected Tribal Government(s) represented by tribal officials or their authorized representative(s).
 2. The Secretary/designee, Appointing Authority with responsibility for the policy, agreement, or program implementation at issue, or their authorized representative(s).
 3. Others as agreed to by the affected Tribal Government(s) and the Department.
 4. Joint development, with Tribal Government(s), of consultation and policy topics to be addressed.
- D. At least 2 roundtables, workgroups, or other joint meetings (e.g., Corrections Indian Policy Advisory Committee) consisting of tribal officials and/or representatives and Department representatives will be conducted, between 45 and 60 days before consultation to increase mutual understanding.
- E. The Tribal Liaison will send, through physical mail and email, to the tribal chairperson of each affected tribe, with a copy to state and tribal staff via email:
 1. An invitation letter between 45 and 60 days before the consultation, containing:
 - a. A clear description of the issue(s)
 - b. A brief summary of the analysis of tribal implications

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- c. Date, time, and location of any preparation and consultation meetings
- d. An electronic meeting invitation sent to tribal chairpersons and CIPAC delegates via calendar invite and email with appropriate information and attachments

2. A reminder between 15 and 30 days with the same information as the initial letter.

3. A letter describing the outcomes within 30 days of completion of a tribal consultation.

F. A sub-committee, task force, or workgroup of tribal officials or representatives and agency staff may be established as needed to address specific issues that could not be resolved during consultation.


III. General Responsibilities of the Department with Regard to Tribal Consultation

A. The Department will:

- 1. Ensure Department employees work with appropriate Tribal Governments.
- 2. Conduct thorough consideration of suggestions and recommendations offered by Tribal Governments for regulations, including negotiated rulemaking, especially if the Department's regulations or rulemaking potentially infringe on tribal self-government, tribal trust resources, or tribal treaty and other rights.
- 3. Invite tribal officials or representatives:
 - a. On interview panels for positions with primary responsibility for working with Tribal Governments,
 - b. In planning processes where the Department has delegated duties to pass funds to local governments or non-governmental entities, and
 - c. On Department boards, councils, and other publicly-appointed groups that make recommendations or decisions on state resource allocation/expenditures or benefits to state residents.

IV. Annual Report

A. The Secretary will submit an annual report to the Governor on Department activities involving Tribal Governments.


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V. Tribal Liaison

- A. The Secretary has designated a Tribal Liaison, who will:
1. Receive training per RCW 43.376.040.
 2. Assist in developing and implementing state and Department policies that promote effective communication and collaboration with Tribal Governments and Recognized American Indian Organizations.
 3. Support the delivery of appropriate, quality, culturally relevant programs and services for American Indians/Alaska Natives under the Department's jurisdiction.
 4. Be the main contact for tribal relations and communication between the Department and Tribal Governments and Recognized American Indian Organizations.
 5. Coordinate training of employees/contract staff in tribal relations.
- B. At times, Department actions will be implemented at the direction of the Federal Government and/or State Governor, without a Tribal Consultation. For actions that impact Tribal Governments and/or individual American Indians/Alaska Natives, the Department will take the following steps:
1. Explanation of why the Department could not comply with tribal consultation protocol.
 2. Provide the information required in a tribal consultation letter, and
 3. An offer to schedule a tribal consultation to determine the response to the impacts of the action.

VI. Documentation and Data

- A. Documentation of all communications, preparation meetings, and consultations with Tribal Governments will be maintained per the Records Retention Schedule.
- B. Relevant, de-identified, aggregate data will be collected and shared, in consultation with Tribal Governments, to measure outcomes for American Indians/Alaska Natives under the Department's jurisdiction including, but not limited to:
1. Statewide and specific patterns and disparities of incarceration
 2. Community supervision

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3. Rates of recidivism
4. Participation in program services
5. Program outcomes

DEFINITIONS:

The following words/terms are important to this policy and defined in the glossary section of the Policy Manual: Recognized American Indian Organizations, Tribal Government, and Tribal Implication. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

None