

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 900 INMATE PROGRAMS AND SERVICES</p>	<p>OPR: DIR</p>
	<p>DEPARTMENT ORDER: 921 <i>TRIBAL GOVERNMENT RELATIONS</i></p>	<p>SUPERSEDES: N/A</p>
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PURPOSE

This Department Order establishes the basic principles governing the Department's relations with Tribal governments within the State of Arizona and ensures that incarcerated Tribal members are afforded opportunities that are consistent with their Tribal status while maintaining the safety and security of Department institutions.

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

RESPONSIBILITY

The Director, the Deputy Director, the General Counsel, Division Directors and Administrators shall ensure that all aspects of this Department Order are enforced.

PROCEDURES

921.01 GENERAL INFORMATION

1.1 The Department shall:

- 1.1.1 Encourage the development of Tribal interaction with incarcerated Tribal members and Department officials through the development of specific, program-level interactions that builds mutual trust and understanding.
- 1.1.2 Recognize that incarcerated Tribal members may request certain accommodations based upon their status as Tribal members.
- 1.1.3 Encourage cooperation with Tribes by addressing the societal issues, the effects of incarceration and release on Tribal members and Tribes.
- 1.1.4 Provide a model and a practical basis for overall State-Tribal collaboration with the Tribes on the provision of accommodations for incarcerated Tribal members.
- 1.1.5 Consider whether any new Department Orders, written instructions and procedures have an impact on Tribal communities and if so, consult with Tribes as appropriate.
- 1.1.6 Identify a Department Native American Affairs Liaison to the Arizona Commission on Indian Affairs. This Liaison shall:
 - 1.1.6.1 Be the Department's contact person with the Arizona Commission on Indian Affairs.
 - 1.1.6.2 Be the information resource person for the Department regarding Indian Affairs.

- 1.1.6.3 Consult as needed with the Commission regarding Department Orders, written instructions or procedures that may have an impact on Tribal communities.
- 1.1.6.4 Attend Arizona Commission on Indian Affairs committee meetings whenever possible.
- 1.2 For other information relating to Tribal inmates see:
 - 1.2.1 Department Order #704, Inmate Regulations, which authorizes Native Americans to wear Native American Headbands.
 - 1.2.2 Department Order #904, Inmate Religious Activities/Marriage Requests, which outlines the process for verification of Native American ethnicity and special religious ceremonies and ceremonial property.
 - 1.2.3 Department Order #909, Inmate Mail Property and Stores, Attachment A, which authorizes inmates to purchase and maintain specific religious property.
 - 1.2.4 Department Order #1003, Community Corrections, which prohibits Parole Officers from carrying concealed weapons while on Native American reservations.
- 921.02 TRIBAL GOVERNMENT'S SOVEREIGNTY** - The Department recognizes the sovereignty of Tribal governments and their jurisdiction over traditional Tribal practices. In recognition of Tribal governments sovereignty the Department shall:
 - 1.1 Consult with Tribal representatives when a question is raised regarding the validity of an incarcerated Tribal member's claim regarding Tribal practices and seek a solution that best accomplishes the interests of traditional Tribal practices and satisfies the Department's compelling safety and security interests.
 - 1.2 Support the strengthening of Tribal capacity for interaction with and assistance to incarcerated Tribal members.
 - 1.3 Encourage Tribal representatives to contact and visit incarcerated Tribal members to provide them the best opportunity to connect with their community prior to release and assist them with transition from prison to a civil and productive community reintegration.
 - 1.4 Develop a cooperative relationship with Tribes, while respecting Tribal traditions. In doing so, the Department expects that Tribes will show a similar respect for the compelling safety and security interests of the State of Arizona.
- 921.03 MAINTAINING TRIBAL GOVERNMENT RELATIONS** - In maintaining constant relationships with Tribal governments the Department shall:
 - 1.1 Assist Tribal governments to develop and maintain connection with incarcerated members by providing opportunities for contact through routine visitation procedures, arrangement of visits as appropriate and cooperatively resolving issues to the extent compelling interests allow.
 - 1.2 Not conduct any activities within Tribal Lands without first receiving an invitation or authorization from the appropriate Tribal officials.
 - 1.3 Enter into Intergovernmental Agreements (IGA) or Memoranda of Understanding (MOU) when considered mutually appropriate by the Department and any interested Tribal Government.

- 1.4 Conduct training when appropriate and as resources allow, encourage and improve Departmental/Tribal understanding and communication.
- 1.5 Provide early notification to Tribes about decisions that may affect them. The Department expects reciprocity by the Tribes.
- 1.6 Open training programs to Tribal officials and Tribal staff whenever possible.
- 1.7 Share appropriate information and data with Tribes regarding incarcerated Tribal members. The Department expects that Tribes will share appropriate resource information and Tribal contacts for providing technical assistance in responding to incarcerated members' inquiries.
- 1.8 Ensure that staff relays Tribal issues, including requests from Tribes for assistance or information to the appropriate Division Directors as soon as possible.
- 1.9 Ensure that staff obtains approval from the appropriate Division Director or Administrator before initiating contacts with Tribes.
- 1.10 Identify Native American staff members and/or volunteers, whenever possible and appropriate, as subject matter experts to provide advice on Native American issues and interact with tribal authorities.
- 1.11 Work with the Arizona Commission on Indian Affairs to build community relations with the Tribal governments.
- 1.12 Make reasonable efforts to recruit Native American volunteers to provide guidance to incarcerated Tribal members. These volunteers will assist in coordinating Tribal functions and services within the institutions through the Department's Native American Affairs Liaison.
- 1.13 Recognize Native American holidays and the Native American Indian Heritage Month, which is celebrated throughout November, and encourage Native Americans to participate in Native American Religious Programs.


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