



Seeking Assistance to Address Collateral Consequences

When tribal members are charged with crimes, they often risk eviction from tribal housing, loss of employment, suspension of driver's license, the involvement of child protective services, or other collateral consequences. Collateral consequences are the continuing and lasting impacts of being charged or convicted of a crime in the tribal justice system (hereinafter tribal court). There are multiple resources dedicated to helping individuals deal with collateral consequences after cycling through the tribal justice system.



- Address underlying issues that bring the individual into the tribal court and justice system.



- Reentry is the process of reintegrating individuals back into the community.



- Some legal aid offices offer services to expunge criminal records to help make it easier to find a job, obtain housing, and access education resources.



- While most services are dependent upon an honorable discharge, others are not. Veterans receive federal services and benefits and employment preference. Those veterans who become justice systems-involved may access resources such as healthcare and treatment services (i.e., substance abuse or mental health treatment) including housing opportunities or participate in a Veterans' Treatment Court, where available.



- Wellness courts or Tribal Healing to Wellness Courts, or Drug Courts, prioritize healing over punishment.



- Attorneys from legal aid organizations or tribal-funded legal aid offices can help prepare individuals for the collateral consequences or help to mitigate the effects of them.



Holistic Defense

Holistic defense is a model of criminal defense. This model identifies collateral consequences and underlying issues by expanding representation beyond the penalties involved in the criminal case. Collateral consequences are assessed during the intake process in order to help clients access housing, social and financial services, education, employment, transportation, mental health services, and assistance to complete court-ordered requirements. Tribal Holistic defense models may also offer cultural mentoring programs to reconnect individuals to the tribal community and provide cultural mediation between clients and the persons wronged. Offenders who are given the opportunity to take part in holistic defense programs, such as mental health assessment/treatment, cultural mentoring, or driver's license restoration, have a better chance of not reoffending once released.

- Examples: [The Confederated Salish and Kootenai Tribes \(CSKT\) Tribal Defenders](#); [The Bronx Defenders](#).



Reentry and Reintegration

One individual's incarceration impacts the entire community, as every person's role is important in the community's livelihood. Reentry and reintegration is a process assisted by programs to help formerly incarcerated individuals prepare to be active, contributing members of the community. These programs address the needs of tribal offenders by offering career readiness programs, vocational training, and designated housing upon release. Mentors or facilitators may be provided to assist a formerly incarcerated individual.

- Example: [Muscogee \(Creek\) Nation's Reintegration Program \(RiP\)](#).



Counseled Convictions

Many times, those being charged in tribal courts are not aware of the collateral consequences that lie ahead. Understanding and recognizing the collateral consequences that go along with a guilty plea puts those individuals one step ahead of collateral consequences, possibly avoiding them all together. For example, an uncounseled defendant could plead guilty to a minor offense that would affect his driver's license, which in turn would affect his ability to drive to work and keep or obtain employment. Legal representation and counsel can help advise the individual of potential consequences or provide a defense to avoid a conviction. Legal service organizations and the attorneys and advocates who work there provide guidance and understanding for those being faced with possible tribal court convictions.

- Examples: National Association of Indian Legal Services (NAILS); [Native American Rights Fund \(NARF\)](#).



Tribal Healing to Wellness Courts

Wellness courts and Tribal Healing to Wellness Courts seek to address underlying issues, such as mental illness or addiction, before sentencing nonviolent offenders. This means deferring sentencing in favor of treatment for chemical dependency or mental health issues. Wellness courts provide an alternative to the American, adversarial model, and prioritize healing over punishment. Programs adopting this model provide mental health screenings, treatment planning, case management, and court monitoring, while reconnecting offenders with their families, cultures, and values.

- Example: [Yurok Tribe Joint Jurisdictional Wellness Court](#).



Veterans Treatment Courts

Native Americans serve at a high rate and have a higher concentration of female service members than all other Service members. When these veterans come home, they are entitled to services and benefits through the U.S. Department of Veterans Affairs (VA). Resources are available to assist native veterans with housing, employment, financing, healthcare and behavioral health treatment, etc.

Native American veterans entering the justice system and formerly incarcerated veterans require special support and assistance. Veterans treatment courts provide resources for these native veterans who are not equipped to handle the psychological and physiological wounds of war, both seen and unseen. Veterans treatment courts connect veterans to appropriate treatment and other VA resources designed to divert veterans from incarceration. The veterans treatment courts, based on drug treatment and/or mental health treatment courts, are where substance abuse and/or mental health treatment is offered as an alternative to incarceration. These courts provide both restorative and rehabilitative resources for veterans as well as their families in Indian country who are caught up in the criminal justice system. See the Veterans' Justice Outreach or legal aid for assistance.

- Examples: [Veterans Justice Outreach Program](#); [Justice for Vets](#); [Sisseton Wahpeton Oyate Tribal Court](#).



Records Expungement

Individuals or formerly incarcerated individuals going through the tribal courts often face difficulties finding housing and employment post-incarceration. Some programs offer services so that convictions may be expunged from criminal records, making it easier to find a job and get back on track.

- Example: [Clean Slate Program](#); [Yurok Tribe Clean Slate Program](#).

For more information on collateral consequences, visit: naicja.org.