

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/south-dakota-addresses-the-post-release-needs-of-native-americans>

Public Facing Advocacy Writing

The Vera Institutes Center on Sentencing and Corrections recently released a report that details 2013 state-level legislative changes affecting sentencing and corrections practices. The report [*Recalibrating Justice: A Review of 2013 State Sentence and Corrections Trends*](#) identifies the creation of programs that would increase the likelihood of successful reintegration into the community after an individual leaves prison or jail as a major area of focus. These initiatives take different forms: some create programs in prison that prepare people for life back in their communities, while others focus more on providing support for the individual after release. Some states passed new laws that expand existing programs by, for example, extending eligibility to additional classes of offenders. Other states, however, went further and instituted innovative programs targeted to the specific needs of different types of offenders.

One such state is South Dakota. In [Senate Bill 70](#) a large law that made many changes across several categories South Dakota addressed the post-release needs of Native Americans. As in other states, Native Americans in South Dakota are in many ways a vulnerable population, due in part to the conflicting sovereignty of the state and that of particular tribes. Previously, when an incarcerated member of a Native American tribe was released on parole, he or she was prohibited from returning to tribal lands; parole officers lack jurisdiction over tribal lands and an individual who returned home would therefore be considered an absconder. Consequently, in order to abide by their terms of release, these individuals had to set up new lives for themselves apart from their families and communities. SB 70 smartly directs the Department of Corrections and the Department of Tribal Relations to jointly develop a unique pilot program that allows for post-release supervision on tribal lands. The pilot program means that Native American offenders can return to their homes and communities upon release from incarceration. This type of community contact and support is crucial to helping these or any individuals move on successfully and avoid further contact with the criminal justice system. This pilot program aims to reduce the recidivism rate of these offenders, thereby saving South Dakota money.

SB 70 represents a creative response to the particular needs of a vulnerable population. Hopefully other states will follow South Dakota's example and craft innovative community corrections programs of their own.

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