



# NATIONAL CONGRESS OF AMERICAN INDIANS

April 12, 2016

Senator Charles Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, DC 20510

Senator Richard Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington, DC 20510

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Dear Senator Grassley and Senator Durbin:

On behalf of the National Congress of American Indians, I am writing to thank you for your leadership on S. 2123, the Sentencing Reform and Corrections Act of 2015 and convey our support for the bill. We also request your consideration of several minor amendments that we believe would strengthen the bill for tribal communities. American Indians and Alaska Natives are disproportionately represented in the federal prison system because of the unique jurisdictional system on tribal lands. As such, they will be uniquely impacted by the common-sense, practical reforms included in S. 2123.

We are particularly encouraged by the proposed expansion of recidivism reduction programs that will allow participating prisoners to earn credits toward early supervised release and the expansion of “compassionate release” for elderly, terminally ill prisoners. These programs will help more American Indians and Alaska Natives successfully reintegrate into our communities.

We are also encouraged by the provisions related to the treatment of juveniles in the federal prison system, many of whom are American Indian and Alaska Native. Between 1999 and 2008, 43-60 percent of juveniles held in Federal custody were American Indian. We believe strongly that incarceration is almost never the best solution for our vulnerable, at-risk children and would prefer to see meaningful reforms aimed at helping tribes develop alternatives to incarceration. We support your efforts, however, to end solitary confinement of juveniles and to permit expungement of certain juvenile records.

If there is an opportunity to make further amendments to the bill before it is passed by the Senate, we ask you to consider the minor changes outlined below, which we believe would strengthen the bill for tribal communities:

- Add a new section extending the Bureau of Prisons Pilot Project authorized in the Tribal Law & Order Act (TLOA), which allows certain offenders sentenced under the enhanced sentencing provision of the TLOA to serve their sentences in BOP custody instead of tribal jail. BOP and the tribes both support reauthorization. By allowing tribes to refer these inmates to BOP custody, inmates will be able to access the programs offered by the BOP that are designed to reduce recidivism and support reentry.
- Include language in Sec. 203 Post-Sentence Risk and Needs Assessment to include assessment of the specific post-sentencing needs of individuals convicted of Indian Country Crimes under Title 18, Chapter 53. These crimes, by definition, generally occur in remote, rural areas of Indian

reservations. The post-sentence period is often difficult for Native defendants because they are housed in unfamiliar urban areas far from their families, or they return home to their reservation communities where there are limited or no services available.

- Include tribal law enforcement in Sec. 205(a)(2)(C)(iii) Reinvestment of savings to fund public safety programming;
- Include tribes in the consultations required by Sec. 208(a)(1)(A)(ii) Federal Reentry Demonstration Projects;
- Include tribes in the study called for by Sec. 208(b)(1)(A)&(B) Study on the Impact of Reentry on Certain Communities.

Thank you again for your leadership on these issues. We look forward to working with you. If you have any questions, please contact Virginia Davis, Senior Policy Advisor at [vdavis@ncai.org](mailto:vdavis@ncai.org) or 202-321-6515.

Sincerely,

A handwritten signature in dark ink, reading "Brian Cladoosby". The signature is written in a cursive, flowing style.

Brian Cladoosby  
President