

Bill: HB-2: General Appropriations Act 2021-02-04 08:00 AM - (H) JAS on Judicial Branch, Law Enforcement, and Justice

Position: Informational Witness

Representing an Entity/Another Person: Yes

Organization: Montana State Council on Judicial Accountability

Name: Janee Weber

Email: janee@mtscoja.org

Phone: (406) 860-9886

City, State: Billings, MT

Written Statement: Chair, members of the committee.

There has been a disparity of truth about medical treatment care at MSP. As you can see by the attached death certificate, MSP medical was responsible for the early death of Mr. Holms. If you audit his records and see the kites that were denied last year for food supplements such as protein drinks, etc. you will quickly see the negligence. Mr. Holms had heart surgery before incarceration and was suppose to have followup care in prison, (denied). There were many times he was too weak to walk down cafeteria, medical was alerted of this. The doctor stated renal failure was caused by the malnutrition. His body shut down and didn't have the resources to recover.

The unprofessional manner in which family members have been treated when calling in about health concerns is uncalled for. Proper communication training for medical staff should be in their budget.

Currently, there are many men who have hepatitis C. 2 men died a horrific painful death within the last two years of liver cancer because they were denied treatment in the early stages that would have prevented it. An audit would prove how many others currently have been denied treatment even though medicaid covers the cost. Any lawsuit that stems from this negligence (there is one coming) should result in criminal charges brought against those who personally did this as this is not DOC policy.

I also have data on inmates who have had broken bones, medical did an x-ray, then waited for 6 weeks to cast or set the bone.

Incarceration is the punishment for ones crimes. Being separated from family, locked up, etc. That is the punishment we the people are paying for. Correctional officers and medical staff are being paid to care for these individuals. Their job is not to add additional punishment and unkindness because of their feelings.

I can put you in touch with the attorney who has the data on this negligence.

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Position: Informational Witness

Representing an Entity/Another Person: No

Organization: N/A

Name: Joanne R Roberts

Email: rose21tcmm7@yahoo.com

Phone: (406) 309-1668

City, State: Kalispell

Written Statement: My son, Michael, was denied parole at his 25% completion of sentence in Oct., 2020. He was never initially told he needed to complete Victim Impact (he signed up on his own in April, 2020.) He was never told he was "endorsed for anger management". Page 20 of your biennial report states "Currently the department offers about 20 different evidence based programs at its facilities designed to address substance use disorders, anger management, cognitive restructuring and more. That statement is not true. There is no Anger Management program at CCC, among many others as were directed by Senate Bill 59. Mt. Code 53-1-211. Where are these evidence-based programs at CCC to help inmates work towards their goal of parole?? It is fiscally irresponsible (\$70.90 a day) keeping inmates incarcerated and not offering programs for rehabilitation and release. Who is responsible for this? CoreCivic, DOC, Mt. Correctional Enterprises, etc., etc. COVID is no excuse as they all could be accomplished online. Thank you.

Bill: HB-2: General Appropriations Act 2021-02-05 08:00 AM - (H) JAS on Judicial Branch, Law Enforcement, and Justice

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Indian People's Action and myself

Name: Lita J Pepion

Email: LitaPepion@hotmail.com

Phone: (406) 208-5779

City, State: Billings, MT

Written Statement: Little has changed since this 2013 Native American Analysis of the Montana Department of Corrections. With the high rate of Native American inmates surely we can do better than 1 Native American Liasian who is really just a Token Indian - has no power and can't do much but talk. We also need Native centered pre-release centers and sober living homes to be funded by DOC as our people are stressed into FAILURE by the current methods being used. When I listen to DOC testimony I start to think my family members and those I work with were in a totally different program because I'm hearing help, evidence based programs, etc. yet almost everybody I talk to hasn't gotten any help - unless punishment, oppression, lost opportunity, living in poverty working a slave job for minimum wage is help?? I don't think it is - and from what I see in my work, it's very, very damaging to individuals, families, communities and society as a whole. I worry for our future of felons who are really addicts, alcoholics or struggle with mental issues.

Bill: HB-2: General Appropriations Act 2021-02-05 08:00 AM - (H) JAS on Judicial Branch, Law Enforcement, and Justice

Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Opening Doors

Name: Marcos Bullchild

Email: marcosbullchild2@gmail.com

Phone: (406) 217-3185

City, State: Great falls

Written Statement: During my time on probation I encountered a lot of challenges. It was assumed that I was high by my treatment provider. I was sent directly to the probation and parole to do a urine analysis. Upon my arrival I was met by law enforcement and my probation officer. Whom where ready to lock me up due to the false information that my treatment provider gave my probation officer. Once I passed my UA the officers where upset that they could not arrest me due to a negative result. The officers where trying hard to elevate the situation to get me to react that would lead to an arrest. Going through this experience put truth behind some of the claims that I would receive regarding these intense encounters with the probation and parole and the great falls police department. This is an issue as a tax payer and registered vote. That needs to be corrected. It can lead to physical ramifications such as broken arms or death.

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Position: Opponent

Representing an Entity/Another Person: Yes

Organization: Indian People's Action and myself

Name: Lita J Pepion

Email: LitaPepion@hotmail.com

Phone: (406) 208-5779

City, State: Billings, MT

Written Statement: Little has changed since this 2013 Native American Analysis of the Montana Department of Corrections. With the high rate of Native American inmates surely we can do better than 1 Native American Liasian who is really just a Token Indian - has no power and can't do much but talk. We also need Native centered pre-release centers and sober living homes to be funded by DOC as our people are stressed into FAILURE by the current methods being used. When I listen to DOC testimony I start to think my family members and those I work with were in a totally different program because I'm hearing help, evidence based programs, etc. yet almost everybody I talk to hasn't gotten any help - unless punishment, oppression, lost opportunity, living in poverty working a slave job for minimum wage is help?? I don't think it is - and from what I see in my work, it's very, very damaging to individuals, families, communities and society as a whole. I worry for our future of felons who are really addicts, alcoholics or struggle with mental issues.

Bill: HB-2: General Appropriations Act 2021-02-04 08:00 AM - (H) JAS on Judicial Branch, Law Enforcement, and Justice

Position: Opponent

Representing an Entity/Another Person: No

Organization: N/A

Name: Laurie Little Dog

Email: LaurieLittleDog@gmail.com

Phone: (406) 308-3378

City, State: Bozeman, MT

'Form of erasure:' Indigenous inmates may be misrepresented in 2020 census, activist says

Nora Mabie Great Falls Tribune

Published 6 am MT August 26, 2020 | Updated 10:26 am MT August 27, 2020

Before the Montana State Prison restricted visitation due to COVID-19, Laurie Little Dog, 38, made frequent visits to the facility in Deer Lodge.

Her husband has been incarcerated in Montana since 2017, and Little Dog advocates for him and other inmates.

She regularly attends Prison Issues Board meetings and Law and Justice Interim Committee meetings, and she has formed "alliances" with other family members of people who are incarcerated in the hours they spend together waiting for visitation.

After completing her own census form, something dawned on Little Dog — in her visits to the prison, no one spoke of the census.

Little Dog traces her maternal lineage to Jicarilla Apache and Ute Indian tribes and her husband is Blackfeet. Aware that accurate census counts are critical in apportioning federal funds to tribes, she wondered how Native American inmates were counted.

"When I asked inmates, they had no idea," she said. "So, I contacted the Department of Corrections, which said the census was taken care of, but when I asked inmates if they had ever declared a tribal name, they said no."

"I just kept asking questions and getting answers I didn't like," she said. "People who are incarcerated are vulnerable when it comes to government protections. They don't have agency to challenge prison policy or mistreatment; they can't really launch a legal fight from a locked cell. So, for me, it's a moral obligation to carry this fight for them."



Native Rights Activist Laurie Little Dog is urging the Montana Department of Corrections to fairly and accurately count its Indigenous inmate population in the 2020 census. Courtesy of Laurie Little Dog



Laurie Little Dog frequently visits her husband who is incarcerated at the Montana State Prison in Deer Lodge.
SKYLAR RISPENS/GREAT FALLS TRIBUNE

Native Americans are overrepresented in Montana's criminal justice system. Though they comprise 6.7% of the state's population, as of April 28, they accounted for 21.3% of the inmate population in Montana DOC facilities.

If Indigenous people who are incarcerated are misrepresented in the 2020 census, activists argue the inaccurate data will not only misinform lawmakers and the public but also further marginalize Native Americans through erasure.

How did the Department of Corrections submit 2020 census data on behalf of inmates?

Jails and prisons are classified by the census as "group quarters," or places where people live or stay in a group living arrangement.

Carolynn Bright, communications director of the Montana DOC, wrote in an email that the department submitted inmate information to the U.S. Census Bureau by extracting it from their Offender Management Information System (OMIS) on April 28.



OMIS is an electronic system used by the department to collect and monitor information on all adult offenders. Data in OMIS is compiled while an offender is under supervision and can be used to determine the type, length and location of an offender's incarceration, according to a 2014 audit to the Montana Legislature.

According to Bright, the DOC received instructions from the census that "tribal affiliation was an optional category, and because tribal information is unverified, the department should not submit it."

"The DOC has learned that tribal affiliation is important to the allocation of resources for Native Americans and the department has received permission from census staff to resubmit its census information, including tribal affiliation," she wrote.

Tribal programs, health care, education and disaster relief are funded based on census data, so an inaccurate count could potentially hurt Indigenous communities for the next decade.

DOC Director Reginald Michael said in a statement that the agency "is committed to providing the most accurate and representative information regarding the populations in our custodial environments for the 2020 census... After further inquiry, we have decided it would be most appropriate to revise our submission, to include all tribal affiliation data that is maintained in our offender management information system. We will ensure that is achieved by (the Aug. 26) deadline."



However, Little Dog said the decision to extract information from OMIS or other DOC data and resubmit to the census "is dangerous" and "not a solution."

Little Dog said that culling information from OMIS for census purposes is harmful, as inmates were unaware that OMIS information would be used for the census. She added that OMIS is inconsistent because it does not require or track if Native inmates affiliate with a specific tribe.

"Not all tribal information is in there because not all inmates are asked," she said.

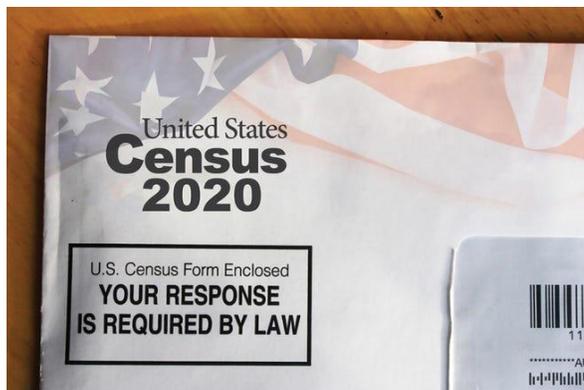
Little Dog said people who are incarcerated may also self-identify differently in OMIS than they would in the census.

"Race is weaponized in prison. That's true everywhere. There are survival reasons why someone may identify differently or code-switch when they enter the criminal justice system," she explained.

Why does this matter?

Little Dog said the practice of identifying Indigenous people solely as "Native American," rather than recognizing their specific tribal affiliations dates back to colonialism.

"The idea that an Indian is an Indian is a pan-Indian belief. Tribes are diverse linguistically,



culturally and spiritually. Pre-America matters, and the roots that exist today are important. To ignore them is a form of erasure," she said.

Because different tribes observe different traditions and cultural practices, Little Dog said tribal affiliation information could also better inform which traditions the DOC allows inmates to observe.

Accurate census data can also inform future policy.

As Native Americans are overrepresented in the criminal justice system, Little Dog said an inaccurate census count would be an "underrepresentation of an overrepresentation."

"If more incarcerated Natives are counted as Natives and are equally able to write in the name of their tribe or tribes, it's more likely that the DOC would have culturally relevant programs specifically targeted for them, which could improve recidivism," she said referring to the rate at which formerly incarcerated people return to jail or prison.



Native Americans are overrepresented in Montana's criminal justice system. Though they comprise 6.7% of the state's population, as of April 28, they accounted for 21.3% of the inmate population in Montana Department of Corrections facilities. *Getty Images*

But the accurate count won't just influence policies and data, Little Dog argues the act of enumeration also "validates (inmates') personhood and sense of self-worth," which can be especially meaningful when incarcerated.

"Let's face it — there's a lot of people that will die in prison, and if this is their final mark on who they are, that is not fair. Let them claim their own identity, and let that be the final say," she said.

Mounting political pressure

Colleen McCarthy, partnership specialist for the U.S. Census Bureau, said at the State-Tribal Relations Committee meeting on Monday that the Bureau "escalated this issue and is trying to get an answer and trying to help get this resolved."

At the same meeting, Jason Smith, director of the Governor's Office of Indian Affairs, said he was in conversation with the DOC's Michael and was "trying to figure out how they could resubmit the information."



United States Senator Jon Tester wrote in a statement Tuesday that his "office is looking into" how the Montana Department of Corrections submitted 2020 census information. *Alex Brandon, AP*

"I don't think there's resistance," he said of the DOC. Smith and McCarthy both could not be reached for further comment.



State-Tribal Relations Committee Chair Sen. Jason Small, R-Busby, announced on Monday he would write a letter to the DOC advocating for tribal members to be counted appropriately.

Sen. Jon Tester, D-Mont., wrote in a statement Tuesday that his "office is looking into this."

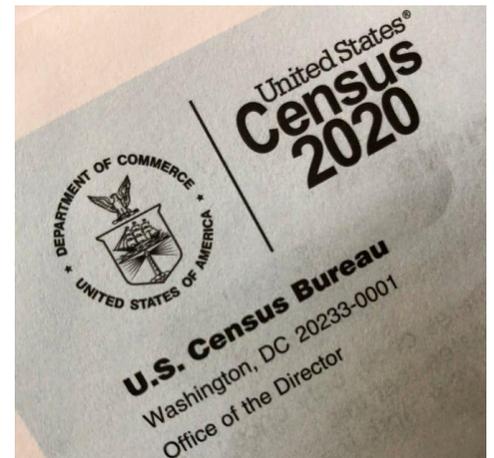
"Getting a fair, accurate census count is critical for Montana and especially for our Native American communities. That's why I am pushing for Congress to block the Census Bureau's decision to end census collection efforts a month earlier than they previously planned and to make sure we uphold our constitutional obligation to ensure a complete count in Indian Country—and I strongly urge my colleagues to join me in this fight," he wrote.

Possible solutions:

To fairly and accurately count Indigenous people who are incarcerated, Little Dog is urging the DOC to distribute census forms to every inmate.

Even after the Aug. 26 group quarters enumeration census deadline has passed, Little Dog hopes tribes will dispute the count.

"We will need tribes' support, tribal leaders' support, and it would be really freaking cool if we could get the support of the DOC," she said. "I would love to see the DOC work nation-to-nation by modeling a well-run system or developing a custom system for enumeration," she said.



Nora Mabie covers Indigenous communities for the Great Falls Tribune. She can be reached at nmabie@greatfallstribune.com. Follow her on Facebook [@NoraMabieJournalist](https://www.facebook.com/NoraMabieJournalist) or on Twitter [@NoraMabie](https://twitter.com/NoraMabie).



Laurie Little Dog <laurielittledog@gmail.com>

Request for a phone conversation with Lt. Governor Cooney at 1:30 PM today

Cooney, Mike <MCooney@mt.gov>

Fri, Sep 25, 2020, 9:44 AM

To: Laurie Little Dog <laurielittledog@gmail.com>

Cc: Craigle, Mary <Mary.Craigle@mt.gov>, Wolken, Cynthia <Cynthia.Wolken@mt.gov>, Michael, Reg <Reginald.Michael@mt.gov>, Parisot, Reilly <RParisot@mt.gov>, butterflyjosh4@gmail.com <butterflyjosh4@gmail.com>

Laurie, I am hoping to also reach out to the appropriate Census officials to inquire about some of the questions discussed yesterday.

I'm very pleased with the recent court ruling but know that there are plans to appeal so too soon to celebrate.

Thanks.

Mike

Sent from my iPhone

On Sep 24, 2020, at 11:47 PM, Laurie Little Dog <laurielittledog@gmail.com> wrote:

Thank you for the Zoom call earlier this afternoon.

The main take away from the meeting is that the framework for what needs to happen to ensure that all incarcerated persons are afforded access to report their information directly to U.S Census Bureau is better understood.

Good news was just announced an hour ago that the U.S. Census must keep counts rolling 'till October 31. *A copy of Judge Koh's preliminary injunction is attached to this email.

Source:

<https://www.npr.org/2020/09/24/912071784/court-orders-census-counting-to-continue-through-oct-31-appeal-expected> [npr.org]

At any rate, this is good news for Montana overall. Immediate action to coordinate and streamline efforts to provide census access to incarcerated persons thorough out Montana is critical.

Thank you in advance for your cooperation in this endeavor. I have reached out my previous contact in DC, but have not yet directly connected with him today. I also reached out to Lily Griego-Romero today. I hope to speak with her at some point tomorrow. Perhaps we can coordinate another meeting... preferably sooner than later.

Laurie Little Dog
(505) 660-5678

On Thu, Sep 24, 2020 at 9:41 AM Laurie Little Dog <laurielittledog@gmail.com> wrote:
Thank you Reilly, I'll be there.

On Thu, Sep 24, 2020 at 9:03 AM Parisot, Reilly <RParisot@mt.gov> wrote:

Good morning, Laurie and Josh:

Lt. Governor Cooney has made time available on his schedule to speak on the phone today at 1:30 – 2:00 PM to discuss Census issues related to counting Native Americans in Montana. Please see below for the call-in information:

Reilly Parisot is inviting you to a scheduled Zoom meeting.

Topic: Discussion RE: Census 2020

Time: Sep 24, 2020 01:30 PM Mountain Time (US and Canada)

Dial by Telephone

+1 646 558 8656 or +1 406 444 9999

Meeting ID: 947 0521 7997

Password: 643965

Find your local number:

<https://mt-gov.zoom.us/j/94705217997> [mt-gov.zoom.us]

I will be joining the call as well.

All the best,

Reilly Parisot

Senior Advisor

Office of Lt. Governor Mike Cooney

State of Montana

rparisot@mt.gov

W: (406) 444-5665

C: (406) 422-2002

<National Urban League - Sept. 24, 2020 Order.pdf>



Laurie Little Dog <laurielittledog@gmail.com>

RE: [EXTERNAL] Follow up: Accounting of Race and tribal enrollment for incarcerated individuals

Kevin Allis <kAllis@ncai.org>

Sun, Aug 23, 2020, 6:52 AM

To: Michael, Reg <Reginald.Michael@mt.gov>

Good Morning Director Michael... on behalf of the oldest, largest, and most influential American Indian advocacy organization in the country located in Washington DC, we are watching your actions here, mindful of the rights of all to be counted, and frankly, totally confused as to why the inmates just can't be provided the forms to self-identify. How difficult is that? And what is the reasoning behind you not allowing that, and deciding to let others gather the data?

I look forward to your response.

Miigweth,

Kevin J. Allis (Forest County Potawatomi Community)
Chief Executive Officer

National Congress of American Indians
Embassy of Tribal Nations
1516 P Street NW
Washington, DC 20005
Phone: (202) 466-7767
Cell: (410) 576-0675
Facsimile: (202) 466-7797
www.ncai.org<<http://www.ncai.org>>

[signature_16366400]

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From: Laurie Little Dog <laurielittledog@gmail.com>

Date: Friday, August 21, 2020 at 5:43 PM

To: "Michael, Reg" <Reginald.Michael@mt.gov>

Cc: Jade Bahr <jade.bahr@mtleg.gov>, "Smith, Jason" <JSmith@mt.gov>, "Barbara.Bessette@mtleg.gov" <Barbara.Bessette@mtleg.gov>, "Brenda.McKenna@mail.house.gov" <Brenda.McKenna@mail.house.gov>, Diane Sands <SenatorSands@gmail.com>, Kevin Allis <kAllis@NCAI.org>, Marvin Weatherwax <Marvin.Weatherwax@mtleg.gov>, "Shane.Morigeau@mtleg.gov" <Shane.Morigeau@mtleg.gov>, "Sharon.StewartPeregoy@mtleg.gov" <Sharon.StewartPeregoy@mtleg.gov>, "Tyson.rw@mtleg.gov" <Tyson.rw@mtleg.gov>, Webber Susan <susan.webber@mtleg.gov>, "clairena@hughes.net" <clairena@hughes.net>, "rep32jwb@gmail.com" <rep32jwb@gmail.com>, "repbsmith@gmail.com" <repbsmith@gmail.com>, "Bright,Carolynn" <Carolynn.Bright@mt.gov>, "Wolken, Cynthia" <Cynthia.Wolken@mt.gov>, "Daugherty, John" <jdaugherty@mt.gov>, "Bell, Molly (Tester)" <molly_bell@tester.senate.gov>

Subject: Re: [EXTERNAL] Follow up: Accounting of Race and tribal enrollment for incarcerated individuals

Hello again Mr. Reg Michael,

Thank you for your email and for your attention in this Census matter. In reading the Montana Department of Corrections' response & proposed remedy, it is necessary to provide additional information and caution against re-submitting data from the Offender Management Information System (OMIS). The reason for this is that using what is (or what is not) in OMIS would provide incomplete data to the Census. We want the DOC to afford all inmates in DOC custody their right to declare their own Census information. A way to do this would be to permit each incarcerated

person access to possess and fill out the paper 2020 Census "blue form". For Montana this method seems to be the most direct and perhaps the only way to effectively obtain accurate race and when appropriate, the names of tribes "written-in" for purposes of the Census 2020. The following explains why:

We believe that data from OMIS is not thorough enough nor intentional enough for Corrections' administrators to appropriately pull data from, for the purpose of US Census reporting. The DOC's OMIS database serves a different purpose and did not accurately and intentionally gather representative information for Native inmates upon booking.

Montana's Offender Management Information System (OMIS) does not specifically retrieve nor store tribal identifiers (specifically, tribal names or membership/ enrollments) for Incarcerated Native Americans in DOC custody because that information (tribal name) was not consistently entered into the OMIS database. The overwhelming majority of Native American inmates (at any given facility) have never declared a tribal name to the prison/ DOC. *Some even argue that no inmate has ever had an opportunity to specifically declare their tribe's name to the prison, only broadly that they are "Native American".

With regard to the present circumstances, inmates say they were never told that prison administrators would take what is in OMIS and use it for the 2020 Census. Nor were inmates given an opportunity to correct bad information in their files so that the 2020 Census would be accurate. Without this information, inmates would naively assume that just being Native American is sufficient for the census. That is not entirely the case. Inmates have never seen the blue paper Census form and are unaware that the Census allows Native American people to write-in their tribe's name.

Inmates need to be given paper forms so that they can self identify who they are.

For tribal members especially, it is more than just being classified in a pool of generic Native Americans, it's critical to share in the equal and thorough right to declare the depth of our identity by writing in the name of indigenous tribes.

The consequences:

For criminal justice especially, it is critical that we have Census-validated numbers (evidence) of the overrepresentation of native people in Montana prisons. This data will help determine pre-designated access to appropriate cultural programming while incarcerated, designated protections and rights to religious/ spiritual practice while incarcerated, the ability to be pre-exempt from punitive use-of-force haircutting within the prison system, etc.

Tribally, being thoroughly counted not only as a Native American generally, but specifically by declaring the name of their Tribe, the likelihood of them having access to resources (federal/ state/ tribal) when they return home on reentry, is positively influenced. Without the indicators that come from knowing how many Native Americans in Montana are incarcerated, the situation makes an already crippled system virtually impossible.

Tribal Nations in Montana need to know how many of their people are incarcerated! The State of Montana needs to know how many incarcerated people are Native American, and from what tribes these people belong. *That goes for all races.

People in prison need to be counted equally in their humanity for their rehabilitation, to increase access to resources that will ultimately reduce recidivism and for the preservation of their own personhood.

Thank you so very much for the opportunity to share perspective on this sensitive and urgent matter. I hope this helps.

Laurie Little Dog
(505) 660-5678 cell
(406) 404-1742 home
LaurieLittleDog@gmail.com<mailto:LaurieLittleDog@gmail.com>
[Quoted text hidden]
| reginald.michael@mt.gov<mailto:reginald.michael@mt.gov>

Office: 406-444-4913 | 5 S. Last Chance Gulch<<https://www.google.com/maps/search/5+S.+Last+Chance+Gulch?entry=gmail&source=g>>

PO Box 201301 | Helena, MT 59620

[A sign on a pole

Description automatically generated]

[COR.MT.GOV<https://cor.mt.gov/>](https://cor.mt.gov/)

From: Laurie Little Dog <laurielittledog@gmail.com<mailto:laurielittledog@gmail.com>>

Sent: Thursday, August 20, 2020 2:01 PM

To: Michael, Reg <Reginald.Michael@mt.gov<mailto:Reginald.Michael@mt.gov>>

Cc: Barbara.Bessette@mtleg.gov<mailto:Barbara.Bessette@mtleg.gov>; Brenda.McKenna@mail.house.gov<mailto:Brenda.McKenna@mail.house.gov>; Diane Sands <SenatorSands@gmail.com<mailto:SenatorSands@gmail.com>>; Jade Bahr <Jade.Bahr@mtleg.gov<mailto:Jade.Bahr@mtleg.gov>>; Kevin Allis <kallis@ncai.org<mailto:kallis@ncai.org>>; Marvin Weatherwax <Marvin.Weatherwax@mtleg.gov<mailto:Marvin.Weatherwax@mtleg.gov>>; Shane.Morigeau@mtleg.gov<mailto:Shane.Morigeau@mtleg.gov>; Sharon.StewartPeregoy@mtleg.gov<mailto:Sharon.StewartPeregoy@mtleg.gov>;

Smith, Jason <JSmith@mt.gov<mailto:JSmith@mt.gov>>; Tyson.rw@mtleg.gov<mailto:Tyson.rw@mtleg.gov>; Webber Susan <susan.webber@mtleg.gov<mailto:susan.webber@mtleg.gov>>; clairena@hughes.net<mailto:clairena@hughes.net>; rep32jwb@gmail.com<mailto:rep32jwb@gmail.com>; repbsmith@gmail.com<mailto:repbsmith@gmail.com>

Subject: [EXTERNAL] Follow up: Accounting of Race and tribal enrollement for incarcerated individuals

Director Michael,

I am writing to follow up on what you are working on to fix the problems with DOC's April 28, 2020 electronic submission data to the United States Census for prisoners in Montana. Have you come up with a solution

yet? What is it?

With dedicated effort to ensure that all incarcerated persons in Montana specifically, Native American inmates are given the right to fully and thoroughly declare tribal identity by writing-in the names of their

respective tribes, I would like to connect you with Mr. John Reese in Washington DC.

John Reese is the contact for the Special Enumerations Branch of the Census. He and I spoke at length about the problem of Montana Department of Corrections not accounting

for travel identifiers such as tribal name in the 2020 United States Census. We have come up with a solution. It requires that the MT Dept of Corrections cooperate with obtaining and updating the missing information before the August 26, 2020 deadline.

We can work with the Area Census office out of Billings to ensure that paper forms are put into the hands of every inmate across the state. In order to do this, we must

find out who you have designated at each facility to receive the stack of forms and distribute/collect them? The forms need to be received back in the Illinois office before

August 26, 2020.

I am concerned that we have not yet heard a solution from Montana Department of Corrections headquarters on this matter. We are definitely willing to provide assistance to see this through. We need to know what

you have done. If there's no solution as of yet, we can assist in resolving all barriers.

I know that you expressed interest in making sure the most accurate information is provided to the US census. Please provide an update on your end on detailing how this is being

resolved.

Thank you in advance,

Laurie Little Dog

----- Forwarded message -----

From: John M Reese Jr (CENSUS/DCMD FED) <john.m.reese.jr@census.gov<mailto:john.m.reese.jr@census.gov>>

Date: Fri, Aug 7, 2020 at 10:44 AM

Subject: Re: Accounting of Race and tribal enrollement for incarcerated individuals

To: laurielittledog@gmail.com<mailto:laurielittledog@gmail.com> <laurielittledog@gmail.com<mailto:laurielittledog@gmail.com>>

Laurie

can you please give me a call

John Reese

Special Enumerations Branch

Decennial Census Management Division

U.S. Census Bureau

Office 301.763.9605, Room 2H472C

John.M.Reese.Jr@census.gov<mailto:John.M.Reese.Jr@census.gov>

census.gov

[census.gov]<[https://urldefense.com/v3/__http://www.census.gov/__;!!GaaboA!4EUAt-34EVO9tTF5LdeoW5EVMARYRvcQvrJv5_piX7OmHT_fndtcN1f9syYCCA2EKA0\\$](https://urldefense.com/v3/__http://www.census.gov/__;!!GaaboA!4EUAt-34EVO9tTF5LdeoW5EVMARYRvcQvrJv5_piX7OmHT_fndtcN1f9syYCCA2EKA0$)>

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From: Kristin D Koslap (CENSUS/POP FED) <kristin.d.koslap@census.gov<mailto:kristin.d.koslap@census.gov>>

Sent: Friday, August 7, 2020 12:39 PM

To: John M Reese Jr (CENSUS/DCMD FED) <john.m.reese.jr@census.gov<mailto:john.m.reese.jr@census.gov>>; Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov<mailto:Steven.G.Wilson@census.gov>>;

William K Koerber (CENSUS/POP FED) <William.K.Koerber@census.gov<mailto:William.K.Koerber@census.gov>>; Colleen Hughes Keating (CENSUS/POP FED) <colleen.hughes.keating@census.gov<mailto:colleen.hughes.keating@census.gov>>;

Lauren Medina (CENSUS/POP FED) <lauren.medina@census.gov<mailto:lauren.medina@census.gov>>

Subject: Re: Accounting of Race and tribal enrollement for incarcerated individuals

This comes down to what enumeration methods are allowed for correctional facilities, and which enumeration method each facility chooses (and how detailed the facilities records are in cases where they choose eResponse or Paper Listing as their enumeration method).

Kristin Koslap, Statistician

Population Division /

Population and Housing Programs Branch

U.S.

Census Bureau

301-763-5958 | Room 6H166F

[census.gov](https://www.census.gov/)

[census.gov]<[https://urldefense.com/v3/__https://www.census.gov/__;!!GaaboA!4EUAt-34EVO9tF5LdeoW5EVMaryRVcQvrJv5_piX7OmHT_fndtcN1f9syYCCFTYuf5u\\$](https://urldefense.com/v3/__https://www.census.gov/__;!!GaaboA!4EUAt-34EVO9tF5LdeoW5EVMaryRVcQvrJv5_piX7OmHT_fndtcN1f9syYCCFTYuf5u$>)> | @uscensusbureau

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From: John M Reese Jr (CENSUS/DCMD FED) <john.m.reese.jr@census.gov<mailto:john.m.reese.jr@census.gov>>

Sent: Friday, August 7, 2020 11:45 AM

To: Kristin D Koslap (CENSUS/POP FED) <kristin.d.koslap@census.gov<mailto:kristin.d.koslap@census.gov>>; Steven Wilson (CENSUS/POP FED) <Steven.G.Wilson@census.gov<mailto:Steven.G.Wilson@census.gov>>;

William K Koerber (CENSUS/POP FED) <William.K.Koerber@census.gov<mailto:William.K.Koerber@census.gov>>

Subject: Fw: Accounting of Race and tribal enrollement for incarcerated individuals

Please see below

John Reese

Special Enumerations Branch

Decennial Census Management Division

U.S. Census Bureau

Office 301.763.9605, Room 2H472C

John.M.Reese.Jr@census.gov<mailto:John.M.Reese.Jr@census.gov>

[census.gov](https://www.census.gov/)

[[census.gov](https://www.census.gov/)]<[Connect with us on](https://urldefense.com/v3/__http://www.census.gov/__;!!GaaboA!4EUAt-34EVO9tTF5LdeoW5EVMARYVcQvrJv5_piX7OmHT_fndtcN1f9syYCCA2EKA0$>></p></div><div data-bbox=)

Social

Media [[census.gov](https://www.census.gov/)]<

From: Laurie Little Dog <laurielittledog@gmail.com<mailto:laurielittledog@gmail.com>>

Sent: Friday, August 7, 2020 11:38 AM

To: DCMD Group Quarters eResponse <dcmd.group.quarters.eresponse@census.gov<mailto:dcmd.group.quarters.eresponse@census.gov>>

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image001.png, image002.png



Laurie Little Dog <laurielittledog@gmail.com>

Request for a phone conversation with Lt. Governor Cooney at 1:30 PM today

Laurie Little Dog <laurielittledog@gmail.com>

Fri, Sep 25, 2020, 12:19 PM

To: Cooney, Mike <MCooney@mt.gov>

The federal preliminary injunction stands and requires the Census to 'keep counting' until Oct 31. This protected directive increases the urgency to implement immediate steps to provide each incarcerated person in Montana a unique census ID code and access to the official US Census website for digital submission of their data directly to the U.S. Census Bureau.

I caution the State of Montana not to stall itself on the distraction of appeal. Even if the Trump administration were to successfully be granted an appeal, they would not be able to force relinquishment of the counts that are already collected up to the signing of such an appeal.

The State of Montana and the US Census have been compelled to keep going full-scale with the Census count and not stall. The restraining order against the Census Bureau that was previously issued by Judge Koh prohibited the Census Bureau from winding down operations until she made a ruling in the lawsuit. We have been working to get this particular situation with DOC resolved since before that restraining order. Now, with last night's preliminary injunction, the end-of-the-year deadline for the feds to complete the processing and analysis of Census data is also suspended.

Mr. Cooney, Montana officials and state agencies must fulfill the duty to swiftly resolve barriers to allow Montana's incarcerated population to be properly counted to the feds. This in-the-trenches act of tangibly working for ALL the people of Montana can turn around the significant discrepancy and champion the entirety of Montana including Tribes. Given Montana's tiny population and despite rural barriers we have a unique opportunity to pull ourselves from the bottom four in Census reporting to being a top contender.

The U.S. Census working with the State of Montana has a duty and responsibility to secure a solution so that Montana's incarcerated population is afforded equal opportunity to participate directly with the U.S. Census Bureau.

Let's be frank, the US Census does not benefit from more work. As Reg Michael mentioned, three options were put on the table. **The question is are we working for the prosperity of all Montanans or are we in favor of relieving the US census from a workload that only comes around every 10 years??**

The State of Montana and Tribal Nations WILL plummet to critical levels without intervention to save lives and preserve our dwindling access to the Federal funding and resources that basic survival depends on. We know that the 2020 Census numbers are vital.

While this injunction seems to favor the liabilities against State officials including the State agency (DOC) for having known about DOC errors in Group Quarter Reporting, having received pushback from the general public including inmates, tribal members, the State-Tribal Relations Committee etc, yet not rectifying the situation with a viable solution means that it remains unresolved.

Given the early identification of the problem and persistent upward momentum of public outcry, this should have already been taken care of. So I encourage the State of Montana, it's officials and state agency to take this preliminary injunction as rare gesture of grace and act immediately with consistent effort to resolve the problem. The state's liability does not hang on the outcome of the preliminary injunction or the the results of any appeal... the State's liability depends on the *completion* of the task to allow all incarcerated persons in Montana access to disclose their sensitive census information directly to the United States Census Bureau.

I know you mentioned that there are some questions for the US Census Bureau. It's important that you know " The federal preliminary injunction stands and requires the Census to 'keep counting' until Oct 31. This protected directive increases the urgency to implement immediate steps to provide each incarcerated person in Montana a unique census ID code and access to the official US Census website for digital submission of their data directly to the U.S. Census

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Given the early identification of the problem and persistent upward momentum of public outcry, this should have already been taken care of. So I encourage the State of Montana, it's officials and state agency to take this preliminary injunction as rare gesture of grace and act immediately with consistent effort to resolve the problem. The state's liability does not hang on the outcome of the preliminary injunction or the the results of any appeal... the State's liability depends on the completion of the task to allow incarcerated persons in Montana Access to disclose their census information directly to the United States Census Bureau.

To provide some perspective, it might help to know that "Attorneys for the Census Bureau and the Department of Commerce, which oversees the agency, had said during the hearing they would likely appeal [the preliminary injunction]."

As I continue reaching out to the U.S. Census both in DC and regionally, we must recognize that the feds have already put three options on the table. None of those options were effectively followed by the State agency.

It is imperative that we work towards a solution swiftly because it is Montana that suffers if the US Census resists providing further assistance in that process. We need to get Census enumerators to the prisons so that they can be available via phone or behind the glass for inmates who may have questions or need assistance on the digital tablets. There are going to be logistics to work out with this.

Let's get started.

[Quoted text hidden]



Laurie Little Dog <laurielittledog@gmail.com>

question about 2019 biennial report

Bright,Carolynn <Carolynn.Bright@mt.gov>
To: Laurie Little Dog <laurielittledog@gmail.com>

Tue, Oct 13, 2020, 5:15 PM

Hello Ms. Little Dog,

Harlan Trombley sent me your questions regarding the 2019 biennial report for response. The numbers on the Y axis of the chart on page A-19 - Native American Tribal Affiliated Offenders: Female and Male Secured Facilities - indicate number of inmates. The data for the chart was extracted from the demographic module of the DOC's Offender Management Information System (OMIS). The data in OMIS related to tribal affiliation is self-reported by the offenders. I hope this answers your questions. Thanks.

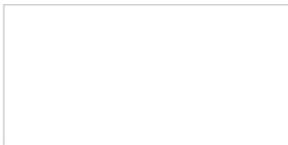
CAROLYNN BRIGHT

COMMUNICATIONS DIRECTOR

DIRECTOR'S OFFICE | carolynn.bright@mt.gov

Office: 406-444-0409 | [5 S. Last Chance Gulch](#)

PO Box 201301 | Helena, MT 59620



COR.MT.GOV



Laurie Little Dog <laurielittledog@gmail.com>

Biennial report question

Smith, Jason <JSmith@mt.gov>

Mon, Sep 28, 2020, 5:02 PM

To: Laurie Little Dog <laurielittledog@gmail.com>, Harlan.Trombley@mt.gov <Harlan.Trombley@mt.gov>

Cc: Stockwell, Hope <HStockwell@mt.gov>

Laurie,

Just from the picture you attached I would say that is how I read it. I would say the Y-axis with the tribal affiliations are those inmates that chose to self-identify themselves as a certain tribe.

Jason Smith

Director

Governor's Office of Indian Affairs

(406) 444-3713

jsmith@mt.gov

[Quoted text hidden]



Laurie Little Dog <laurielittledog@gmail.com>

Biennial report question

Laurie Little Dog <laurielittledog@gmail.com>

Fri, Sep 25, 2020, 6:49 PM

To: Harlan.Trombley@mt.gov <Harlan.Trombley@mt.gov>, Smith, Jason <jsmith@mt.gov>

Cc: State-Tribal Relations Committee <hstockwell@mt.gov>

Hi Jason and Harlan,

The attached graph is from Page A- 19 of the DOC's Biennial report (2019):

<https://cor.mt.gov/Portals/104/Resources/Reports/2019BiennialReport.pdf>

Question: What is represented in the numbers on the Y-axis which runs vertically (up and down)?

Do you interpret this to be the number of individual inmates in custody belonging to each tribe?

Please let me know,

Laurie little Dog
(505) 660-5678

IMG_2388.jpg



Laurie Little Dog <laurielittledog@gmail.com>

Tribal identifiers and Race in Census 2020 reporting is CRITICAL for Tribes and Correctional Institutions: CALL TO ACTION

Laurie Little Dog <laurielittledog@gmail.com>

Wed, Aug 12, 2020, 6:09 PM

To: Barry.Usher@mtleg.gov <Barry.Usher@mtleg.gov>, Casey.Knudsen@mtleg.gov <Casey.Knudsen@mtleg.gov>, Diane Sands <SenatorSands@gmail.com>, Frank.Fleming@mtleg.gov <Frank.Fleming@mtleg.gov>, Jade.Bahr@mtleg.gov <Jade.Bahr@mtleg.gov>, Jasmine.Krotkov <Jasmine.Krotkov@mtleg.gov>, Jason.Small@mtleg.gov <Jason.Small@mtleg.gov>, Jen.Gross <Jen.Gross@mtleg.gov>, Johnesp2001@yahoo.com <Johnesp2001@yahoo.com>, Katharin.Kelker <Kathy.Kelker@mtleg.gov>, Rae.Peppers@mtleg.gov <Rae.Peppers@mtleg.gov>, SK.Rossi <rossis@aclumontana.org>, Sen. Bryce.Bennett <bennettformontana@gmail.com>, Sharon.StewartPeregoy@mtleg.gov <Sharon.StewartPeregoy@mtleg.gov>, Weiss, Rachel <rweiss@mt.gov>, alandoane@midrivers.com <alandoane@midrivers.com>, clairena@hughes.net <clairena@hughes.net>, dan.salomon@mtleg.gov <dan.salomon@mtleg.gov>, joeread2019mt@gmail.com <joeread2019mt@gmail.com>, keith.regier@mtleg.gov <keith.regier@mtleg.gov>, robforhd81@gmail.com <robforhd81@gmail.com>, steve.fitzpatrick@mtleg.gov <steve.fitzpatrick@mtleg.gov>, Michael, Reg <reginald.michael@mt.gov>, <cynthia.wolken@mt.gov>, Ohman, Peter <pohman@mt.gov>, <aihuff@msn.com>, <kkrueger@mt.gov>, McConnell, Nate <nate.mcconnell@mt.gov>, <ancarter@mt.gov>, <recanen@hotmail.com>, <lynchryan@gmail.com>, <Marty.Lambert@gallatin.mt.gov>, <atenney@boydandrew.com>, <kyoung@mcadsv.com>, Ralston, Kathy <Kathy.Ralston@mt.gov>, Richard.Kirn <rkirn@fortpecktribes.net>, <tdavis@blackfeetnation.com>, <Chairman@cct.rockyboy.org>, <ron.trahan@cskt.org>, <AJ.NotAfraid@crow-nsn.gov>, <andy.wer@ftbelknap.org>, <fazure@fortpecktribes.net>, <ggray@gng.net>, <skipp@blackfeetnation.com>, <skeller@blackfeetnation.com>, <rgervaisjr@blackfeetnation.com>, <mpollock@blackfeetnation.com>, <vwweaselhead@blackfeetnation.com>, <ttatsey@blackfeetnation.com>, <ckipp@blackfeetnation.com>, <rkennerly@blackfeetnation.com>, <tedewhitford@hotmail.com>, <joe@cct.rockyboy.org>, <Calvin@rockyboy.org>, <luke@cct.rockyboy.org>, <trussette@cct.rockyboy.org>, <leonard.gray@cskt.org>, <shelly.fyant@cskt.org>, <anita.matt@cskt.org>, <james.steele@cskt.org>, <myrna.dumontier@cskt.org>, <carole.lankford@cskt.org>, <lenard.twoteeth@cskt.org>, <chamel.gilllin@cskt.org>, <dennis.clairmont@cskt.org>, <robert.mcdonald@cskt.org>, <carlson@ctlb.org>, <rknute@ctlb.org>, <vianna.stewart@crow-nsn.gov>, <ken.deputee@crow-nsn.gov>, <melissa.walby@crow-nsn.gov>, <gerald.healy@ftbelknap.org>, <brandi.king@ftbelknap.org>, <Judith.king@ftbelknap.org>, <mike.gopher@ftbelknap.org>, <jeffrey.stiffarm@ft.belknap.org>, <nate.mount@ftbelknap.org>, <dominic.messery@ftbelknap.org>, <lynn.cliff@ftbelknap.org>, <wmorin@ftbelknap.org>, <cheaddress@fortpecktribes.net>, <bdamon@fortpecktribes.net>, <mrattlingthunder@fortpecktribes.net>, <tescarcega@fortpecktribes.net>, <cbrugh@fortpecktribes.net>, <asmith@fortpecktribes.net>, <kwallette@fortpecktribes.net>, <eyoung@fortpecktribes.net>, <dbuckles@fortpecktribes.net>, <fgourneau@fortpecktribes.net>, <pironcloud@fortpecktribes.net>, <jestingreayhawk@fortpecktribes.net>, <jdupree@fortpecktribes.net>, <scampbell@fortpecktribes.net>, <jhoops@fortpecktribes.net>, <Debra.Charette@cheyennenation.com>, <Waylon.Rogers@cheyennenation.com>, <Dana.Eaglefeathers@cheyennenation.com>, <Merlin.Sioux@cheyennenation.com>, <Phillip.Beckman@cheyennenation.com>, <Henry.Speelman@cheyennenation.com>, <D.SpottedElk@cheyennenation.com>, <Lane.SpottedElk@cheyennenation.com>, <javonwing@msn.com>, <delina.cutstherope@ftbelknap.org>, State-Tribal Relations Committee <hstockwell@mt.gov>, <wallace@cheyennenation.com>, <Lailaniupham@gmail.com>

Cc: Bullock, Governor <governor@mt.gov>, Sarah.Howell <Sarah@montanawomenvote.org>, Danielle.Vazquez <Danielle@montanawomenvote.org>, Ekoo.Beck <Ekoo@montanawomenvote.org>, SK.Rossi <rossis@aclumontana.org>, Citizens Advocate <citizensadvocate@mt.gov>, Senator Jon Tester <senator@tester.senate.gov>, Thom, Heidi <Heidi.Thom@mail.house.gov>, <census@countallkids.org>, <mary.craige@mt.gov>, <corin.cates-carney@mtpr.org>, <ptollefson@billingsgazette.com>, Dennison, Mike <mike.dennison@kxlh.com>, Seaborn.Larson <seaborn.larson@missoulian.com>, <msilvers@montanafreepress.org>, <Sooktisjade17@gmail.com>, Lita.Pepion <lita@crlhealth.com>, <edietrich@mtfp.org>, <tperez@westernnativevoice.org>, <getinfo@montanademocrats.org>, <mtindiandemocrats@gmail.com>, <info@mntnativevote.org>, Zuri.Moreno <morenoz@aclumontana.org>, <jsukut@billingsgazette.com>

Good afternoon Tribal Nations, Committee and Council Members,

I am writing to request your active support in requesting that the Montana Department of Corrections obtain and report

to the 2020 U.S. Census accurate information as it pertains to inmate Race, including the write-in of the specific Tribal Nations, if applicable.

As we know, the Census is critical for obtaining accurate statistics regarding prison populations and Montana's population overall. These statistics translate to critical resource allocation for Montana tribes, for local governments, and for Correctional program offerings. We must learn how many individuals in Montana's secure and contract-secure correctional facilities identify with a particular Tribe. Looking 10 years forward, the write-in subcategory of naming the Tribal affiliation, in addition to reporting how many incarcerated individuals identify as Native American is critical!

On April 28, 2020, census data for the Montana Department of Corrections' secure correctional facilities was submitted in its entirety through an electronic file. The data requested was extracted from the DOC's Offender Management Information System database, and included self-identification of racial categories, including Native American. Unfortunately, this administrative-only process failed to allow Native inmates the opportunity to identify their sub category of Tribal name. Source: Email correspondence from Carolyn Bright, Public Information Officer of the DOC, dated 8/11/2020.

In speaking with **John Reese** of the Special Enumerations Branch in the Decennial Census Management Division of the U.S. Census Bureau ([Office 301.763.9605](mailto:Office.301.763.9605), John.M.Reese.Jr@census.gov) there IS a way to update/ correct the reports of incarcerated persons to include Race and tribal affiliation. This can be done, as long as all updates are received prior to the August 26, 2020 deadline.

In order for this to happen, we need your active support to encourage the Department of Correction to cooperate with the process. Please email DOC Director Reg Michael and Governor Bullock a quick line of support for this effort to take place.

This process could look like this:

- 1) The Montana Dept. of Corrections would need to provide all inmates access to the 2020 Census form via online tablet or give each prisoner access to the (blue) paper census form where prisoners can self-identify Race and write-in any applicable sub-category of Tribal affiliation.
- 2) Then, have the DOC administrator of the 2020 Census contact John Reese, for a pin reset of the e-file system. Any duplicates that come through the e-file transmission, Mr. Reese will take the most recent changes and will keep the data for individuals who report no changes. It is a rather easy process. There is an open box field that the DOC administrator will be able to type-in updated tribal affiliations.

Currently, Census response for Montana at large is at 56.7%.

Blackfeet is at 19.1%

CSKT is at 43.1%

Rocky Boy is at 20.8%

Fort Belknap is at 16.8%

Fort Peck is at 31.6%

Crow is at 8.6%

Northern Cheyenne is at 9.1%

This evening, incarcerated persons in Montana are widely unaware that the Department of Corrections took the liberty of reporting their Census information for them. The Racial information on file with the DOC should not have been assumed by the Department of Corrections for the 2020 Census merely because it is what the DOC has on file in Offender Management Information System. There are many reasons why a person's race might not be appropriately categorized on Prison records, depending on the context. For example, the visual perception by an officer may have inaccurately designated or defaulted a Race to "White" when they are actually a different race, a person might identify with multiple races, a person might have "code-switched" or "passed" as a different for prison classification as a means of survival etc. People are taking action to correct this critical census reporting concern at correctional facilities in Montana and in

Oregon.

Please help the Montana Department of Corrections obtain accurate results for the 2020 U.S. Census. We sincerely appreciate your efforts. Action today will follow us the next 10 years!

This is quite literally a captive audience, let's help "Make it Count". Email: governor@mt.gov and DOC Director Reginald.Michael@mt.gov today!

Laurie Little Dog

https://www.sidneyherald.com/news/state/rural-montana-poses-a-challenge-for-u-s-census-bureau/article_e135d7fc-d764-11ea-b610-872f42405235.html



Laurie Little Dog <laurielittledog@gmail.com>

Request for a phone conversation with Lt. Governor Cooney at 1:30 PM today

Parisot, Reilly <RParisot@mt.gov>

Thu, Sep 24, 2020, 9:03 AM

To: Laurie Little Dog <laurielittledog@gmail.com>, butterflyjosh4@gmail.com <butterflyjosh4@gmail.com>

Good morning, Laurie and Josh:

Lt. Governor Cooney has made time available on his schedule to speak on the phone today at 1:30 – 2:00 PM to discuss Census issues related to counting Native Americans in Montana. Please see below for the call-in information:

Reilly Parisot is inviting you to a scheduled Zoom meeting.

Topic: Discussion RE: Census 2020

Time: Sep 24, 2020 01:30 PM Mountain Time (US and Canada)

Dial by Telephone

+1 646 558 8656 or +1 406 444 9999

Meeting ID: 947 0521 7997

Password: 643965

Find your local number: <https://mt-gov.zoom.us/j/94705217997>

I will be joining the call as well.

All the best,

Reilly Parisot

Senior Advisor

Office of Lt. Governor Mike Cooney

State of Montana

rparisot@mt.gov

W: (406) 444-5665

C: (406) 422-2002

Chair Mercer and Committee:

I would like to provide some context misreported number of Native Americans who are incarcerated in Montana correctional facilities. The DOC's 2021 Biennial Report inaccurately reports Native American population numbers within MT Corrections. The DOC's new population numbers greatly differ from the 2019 Biennial Report and misrepresent this population in the Census. Some information printed in the 2021 Biennial Report report bad data.

The full reports are viewable here:

2019: <https://cor.mt.gov/Portals/104/Resources/Reports/2019BiennialReport.pdf>

2021:

<https://cor.mt.gov/Portals/104/Legislative%20Agency%20Materials/All%20Agency%20Materials/Biennial%20Report%202021.pdf?ver=2020-12-16-142148-960>

I assert that the number of Native Americans in Montana Corrections much higher than has been previously been reported in U.S. Census data and by the Department of Corrections due to the way that the Montana Department of Corrections has disallowed incarcerated persons to report their racial identity (or identities) directly to the United States Census.

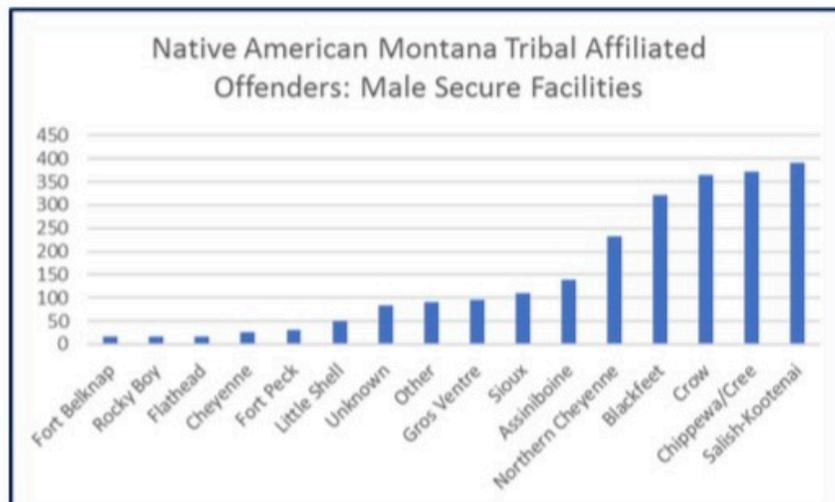
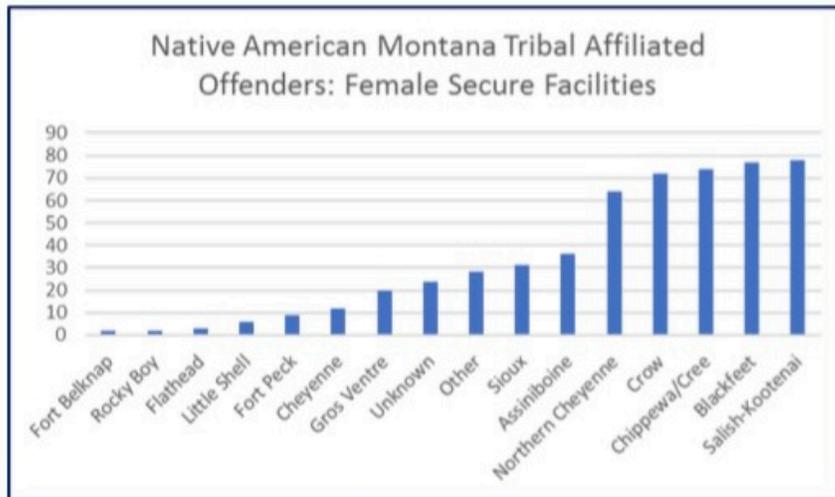
This is a rather complex issue and I am available for followup questions to clarify how this took place and is continuing to happening. The grossly inaccurate numbers contained in the 2021 Biennial report, are acutely alarming especially after a zoom call that I and another had with Lieutenant Governor Mike Cooney (Chair of Complete Census Count Montana), Mary Craigle, Bureau Chief: Census & Economic Information Center Manager who also sits on the Complete Census Count committee), DOC Director Reginald Michael, DOC Deputy Director Cynthia Wolken, and Cooney's Chief Advisor, Reilly Parisot on September 24, 2020.

The audio from this 9/24/2020 Zoom call was recorded. Please try and locate the audio record of this significant call.

When you listen back to the recording of the zoom call you will hear Dept of Corrections Director Reg Michael insist that there are only 445 Native Americans in the Corrections system, and only 60 had not been named by tribe. This is false. Using the Department's own data contained in their 2019 Biennial Report, the CSKT tribe alone has more than 445 men and women combined!

Specifically, page A-19 of the Department of Correction's 2019 Biennial report, on you will find this graph:

American Tribal Affiliated Offenders

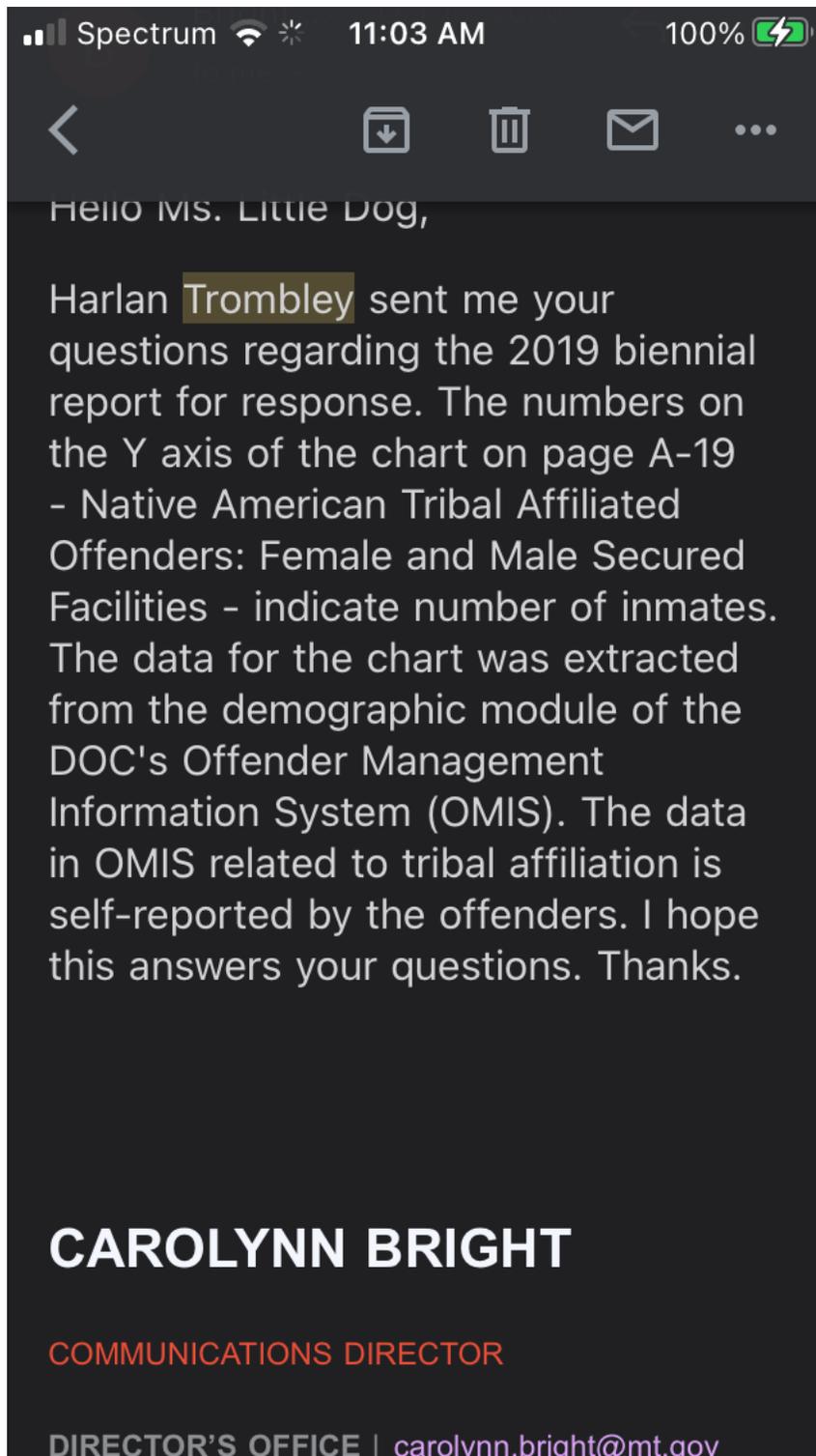


Montana Tribal Affiliation is Self-Reported

Fort Belknap (Gros Ventre and Assiniboine), Fort Peck (Assiniboine and Nakota), and Rocky Boy (Mainly Chippewa) were incorrectly reported as tribal affiliations. These are tribal reservations.

I saw clarification on the labeling of the X and Y axis of the above graph (see PDFs)

These are the responses I received back from Carolyn Bright of the DOC, and Jason Smith of the governors Office of Indian Affairs. Harlan Trombley did not respond directly.



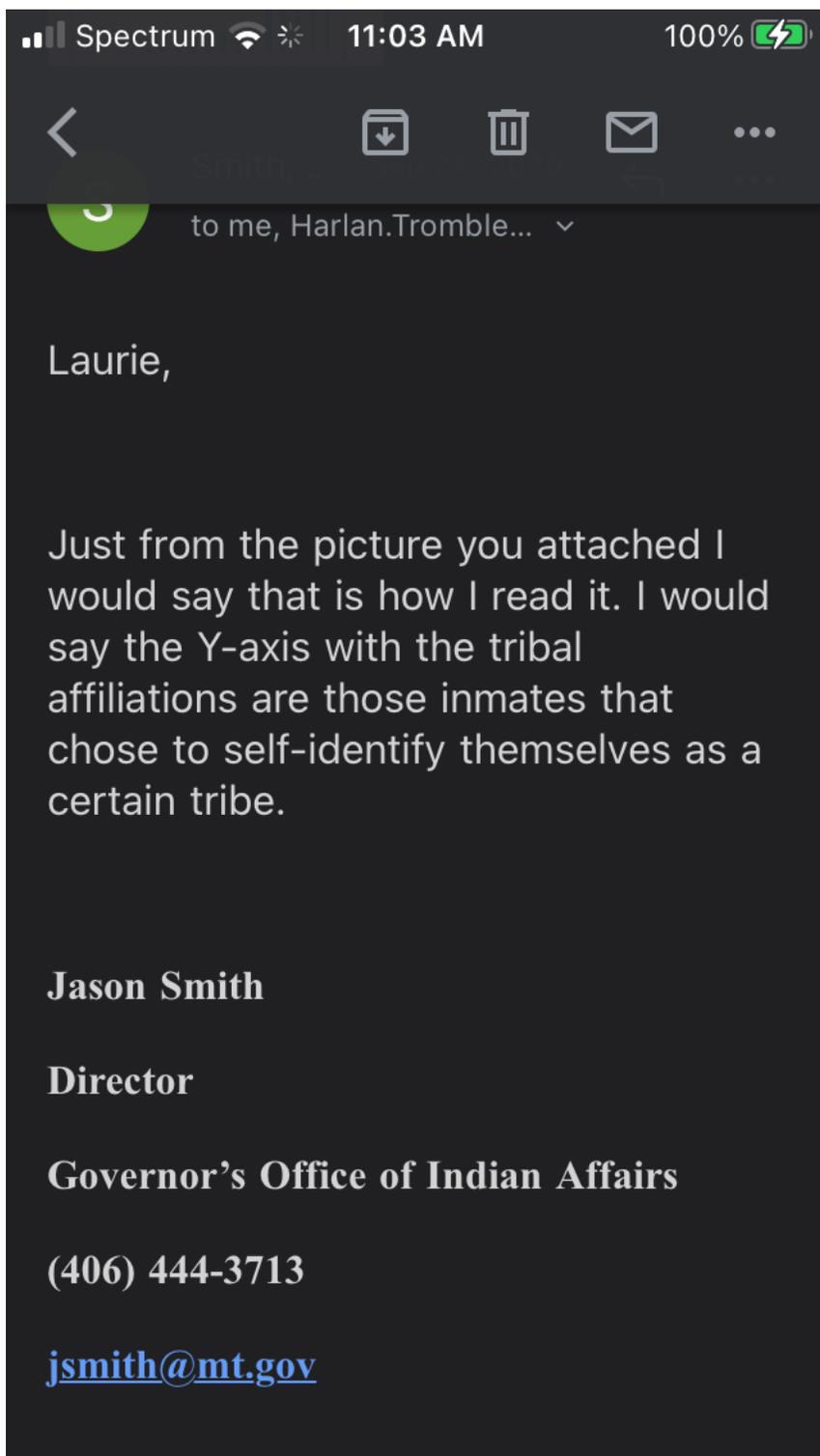
Hello Ms. Little Dog,

Harlan Trombley sent me your questions regarding the 2019 biennial report for response. The numbers on the Y axis of the chart on page A-19 - Native American Tribal Affiliated Offenders: Female and Male Secured Facilities - indicate number of inmates. The data for the chart was extracted from the demographic module of the DOC's Offender Management Information System (OMIS). The data in OMIS related to tribal affiliation is self-reported by the offenders. I hope this answers your questions. Thanks.

CAROLYNN BRIGHT

COMMUNICATIONS DIRECTOR

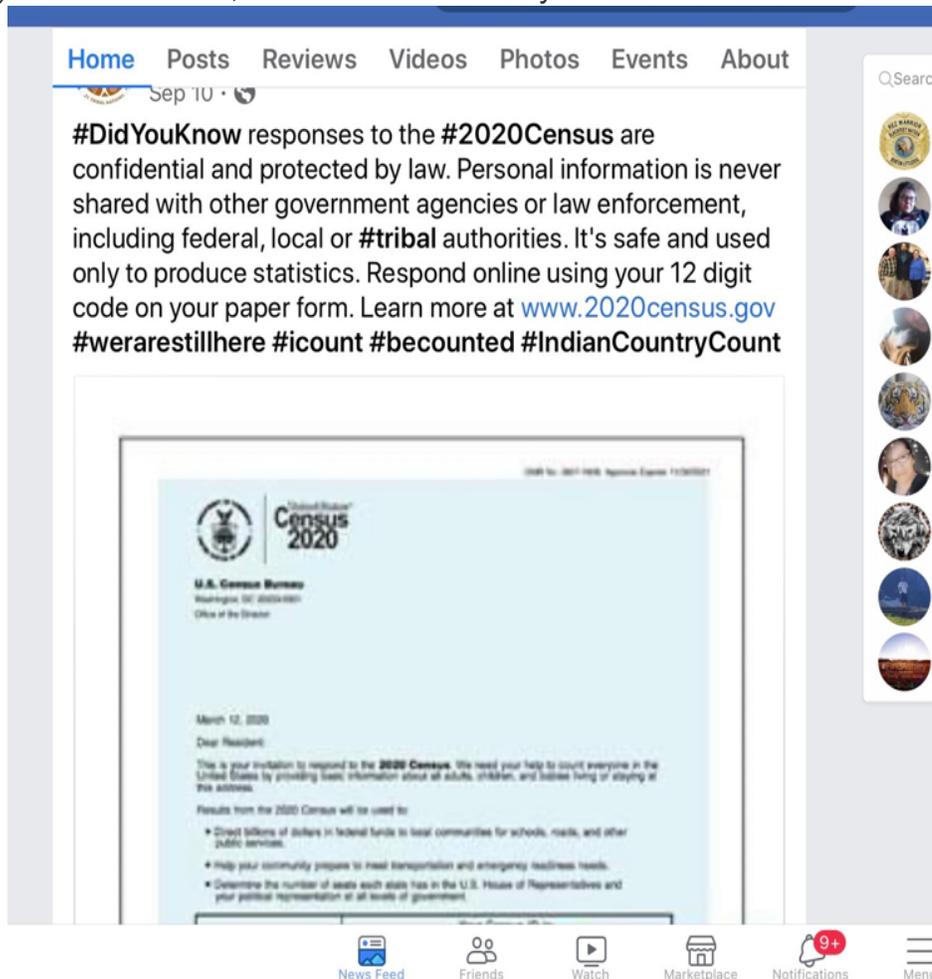
DIRECTOR'S OFFICE | carolynn.bright@mt.gov



As you can see, the information from the graph that is on page A-19 of the 2019 Biennial report from 2019, greatly contradicts the claims that director Reginald Michael made when discussing discrepancies

of how he was reporting the 2020 census data. This 2019 Biennial Report was the most recent report available during 2020 census reporting period.

I would like to clarify that the information collected for Census purposes, is privileged information and is highly protected as confidential information between that person and the U.S. Census. The information collected is not to be copied, analyzed or tampered with by the Department of Corrections. Only after the Census data is processed by the U.S. Census may the DOC utilize the results of Census data. It was not lawful for DOC to replace proper administration of the 2020 United States Census with a substitute self-created in house Census nor was it acceptable for the DOC to e-submit incomplete or otherwise compromised data from the Offender Management Information System (OMIS) to the Census using the Group Quarters Enumeration process. The DOC has no standing to obtain or tamper with the Official US Census in this manner. As a resolution, inmates need to be given PAPER forms that they could have self-submitted in to the U.S. Census Processing Center. The DOC may not impede this effort and may not create a barrier to this official process of the United States Government.... yet they knowingly and willingly failed to effectively correct the problem. The façade of a fix was not an actual remedy because DOC chose to determine who is and who is not Native American (disallowed incarcerated individuals to self-declare identity to the U.S. Census) because of this, the DOC insufficiently accounted for tribe names. The United



States Census does stand to explain that there is indeed a protection under the “72 year rule“ in which “The U.S. government will not release personally identifiable information about an individual to any other individual or agency until 72 years after it was collected for the decennial census. This "72-Year Rule" (92 Stat. 915; [Public Law 95-416](#); October 5, 1978) restricts access to decennial census records to all but the individual named on the record or their legal heir.”

After 72 years, the records are released to the public by the [National Archives and Records Administration](#). In accordance with the 72-Year Rule, the National Archives released the [1930](#) records in April 2002 and most recently, the 1940 records were released [April 2, 2012](#).

Source information is available at this link:

https://www.census.gov/history/www/genealogy/decennial_census_records/the_72_year_rule_1.html

As you will hear on that important zoom conference call between Cooney, Michael, Little Dog, Craige, Parisot, Wolken and Butterfly, The Montana Department of Corrections chose not to engage in the process set forth by the United States Census Bureau because they wanted access to that information. I Department of corrections even tried to conduct their own internal Census, claiming it was for the US census. That is not permissible in fact, we believe this to be fraud. Census fraud. There is a kite that was written by an inmate requesting census forms. The prison denied inmates access to census forms. The department of corrections denied census workers the ability to deliver since his forms to the facility. So we bring this to your attention to let you know that there was a great deal of effort from the community is, from the tribal citizens in Montana, from inmate families, and from inmates to make sure that there was not an under account. The department of corrections blocked our efforts.

Please review the attached article from the Great Falls Tribune, dated August 31, 2020. The article is titled, “Form of Erasure: Indigenous inmates may be misrepresented in 2020 census

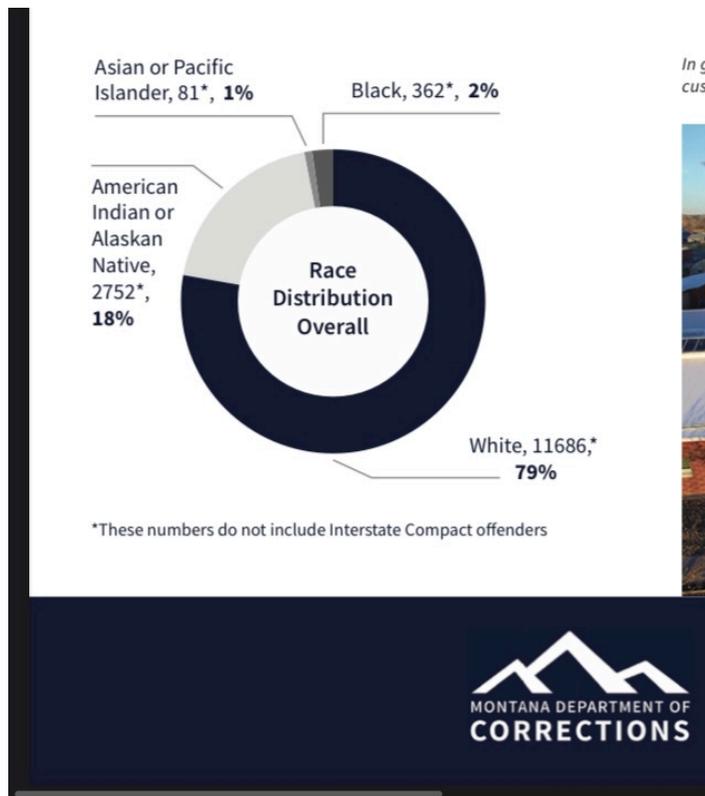
The article is available at this link:

<https://www.greatfallstribune.com/story/news/2020/08/26/montana-indigenous-inmates-counted-2020-census-department-corrections/3413324001/>

The repercussions from continuously And possibly intentionally undercounting Native Americans in Montana’s Corrections system impacts recidivism. It means that there will

be less money allocated to Native American specific programming, and resources while incarcerated. It deflects attention from the disparities that native people face as part of the larger society in Montana. On one hand, native Americans are disproportionately involved in the criminal justice system. At the same time, native people are under served as victims of crime in Montana. Getting accurate data and publishing accurate data is critical to managing these disparities across the system.

This page is taken from the 2021 Biennial Report on page 8:



Please understand that the numbers that were put in front of you simply are not accurate. We would like to work together to try and resolve these issues but we would also like to make it known on public record that native people Will not stand to have any state entities such as a department of corrections try and misrepresent the social problems that we face.

We do hope that this information will be considered by the Joint Appropriations Committee for Judiciary, law-enforcement, and justice. We ask that you please include DOC's budget an appropriate amount of money to increase the resources that incarcerated native people have to access programming, religious accommodations, and re-staff the position of Native American liaison. We would like to immediately

discuss the reasons why this position needs to be re-staffed. This request is supported across Montana Tribes and communities.

Thank you,

Laurie Little Dog
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LaurieLittleDog@gmail.com

