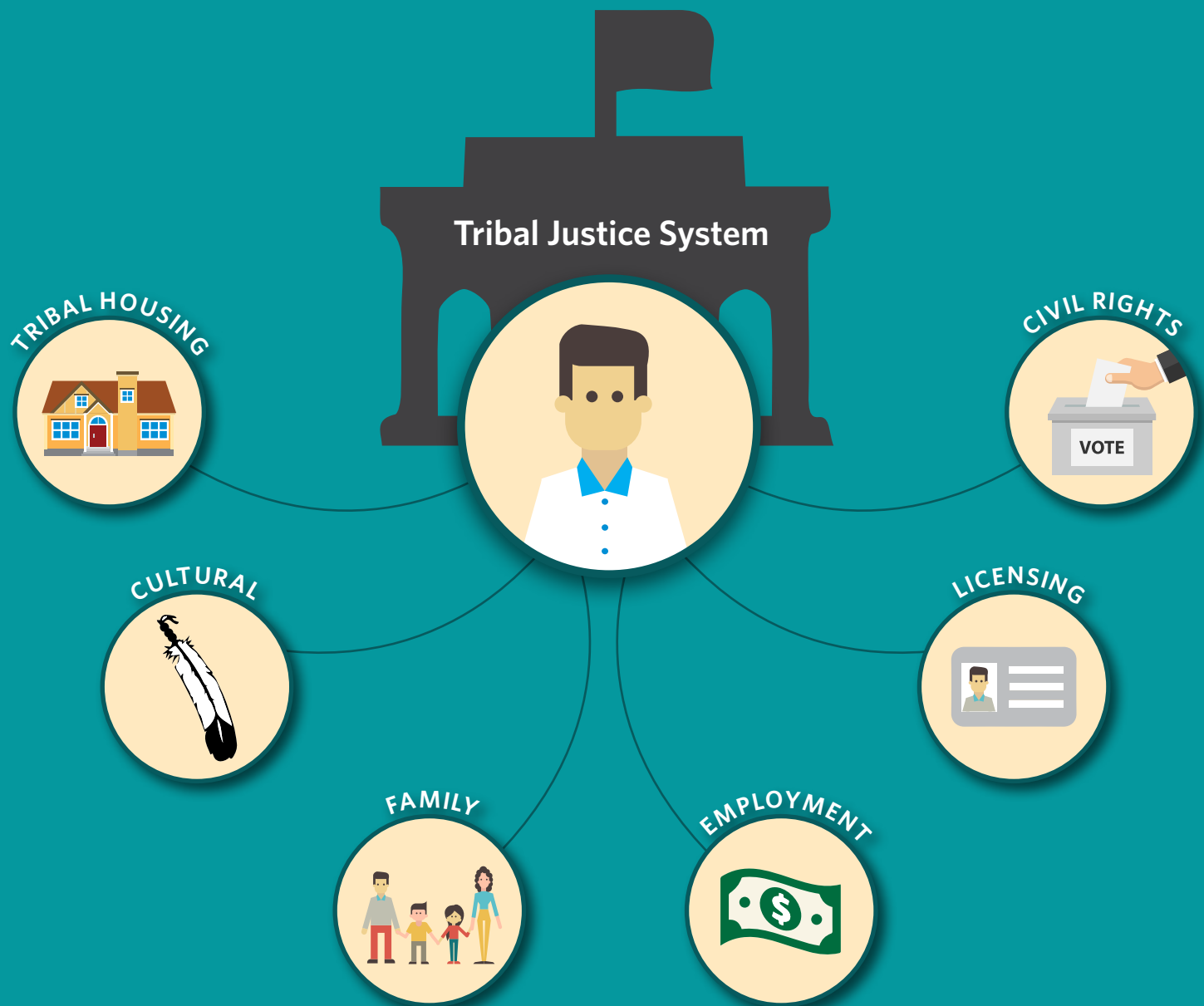




# Collateral Consequences

Through the use of two infographics, these publications are intended to provide general information about collateral consequences that result from convictions and/or incarceration. These publications should be used as the first general step on the path to identifying specific solutions to collateral consequences in tribal communities.

**ONE OFFENSE CAN TRIGGER MULTIPLE COLLATERAL CONSEQUENCES.**



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# Collateral Consequences

In most tribal jurisdictions, one offense can trigger multiple 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”). Collateral consequences arise in the aftermath of the direct consequence and are not always immediately obvious to those affected.



## Tribal Housing

Being charged or convicted of a crime can affect eligibility to benefit from tribal housing programs and services. Tribal housing authorities have broad discretion to evict individuals who are viewed as a threat to the health or safety of the community. What seems like a minor infraction of the law (e.g. drug possession or non-violent misdemeanor) may lead to major consequences, including eviction.



## Cultural

Many tribes have the authority under tribal law to banish individuals for committing crimes. If the individual is a member of the banishing tribe, this results in the separation of the individual from ceremonies, festivities, and tribal gatherings.



## Family

Tribal court convictions may result in jail time. No matter the amount of time behind bars, a family member serving time affects the entire family unit and sometimes extended family (e.g., a grandparent). Both children and spouses suffer, as the absence of the family member impacts familial relationships and everyday life.

Tribal court convictions, especially those stemming from drug and alcohol offenses, can also impact child custody. A parent convicted of a drug offense may have their parenting skills come into question and can lose custody of their children as a result. Moreover, tribal court convictions have prevented individuals from qualifying as foster parents.



## Employment

One obvious consequence of incarceration is being let go from current employment while serving time. Some tribal court convictions, however, make it difficult to find and secure a job even if no jail time was served. Many employers are not willing to hire individuals convicted of certain crimes, even after substantial time has passed since the crime took place. This makes it continuously difficult for those convicted of certain crimes to find employment.



## Licensing

Certain tribal court convictions may lead to the loss of your driver's license. Many convictions may also threaten eligibility for occupational licensing for therapists, building contractors, or those in the medical field, among others.



## Civil Rights

Being convicted of a crime may carry the consequence of losing particular civil rights. For example, many convictions lead to losing the right to vote, losing the right to own and possess firearms, or losing the right to be selected for a jury. Some convictions may also preclude individuals from running for tribal council or other elected offices.

**For more information on collateral consequences, visit: [naicja.org](http://naicja.org).**