



**RESOLUTION OF THE GOVERNING BODY
OF THE
THREE AFFILIATED TRIBES
OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled: “Adoption of a Statute Authorizing the Implementation of an Early Release Program for Good Behavior and Emergency Capacity for Inmates Incarcerated in the Tribal Detention Facilities”

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

WHEREAS, Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, The Constitution of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5 (l) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

WHEREAS, The Tribe owns and operates the Gerald “Tex” Fox Justice Center pursuant to a P.L. 93-638 Contract with the Bureau of Indian Affairs and said Justice Center is managed by an Adult Administrator and Juvenile Administrator; and

WHEREAS, Pursuant to Tribal Business Council Resolution, the Tribal Business Council delegated oversight authority of the Justice Center to the Three Affiliated Tribes Judicial Committee which includes the authority to approve policies for the Justice Center; and

WHEREAS, the Justice Center’s Administrators have proposed the implementation and authorization of a Justice Center policy for early release of inmates for good behavior and for emergency capacity purposes; and

WHEREAS, the Judicial Committee has reviewed the Justice Center’s proposal for an early release program and has approved the development and implementation of such a program; and

WHEREAS, the Tribal Business Council finds that an early release program based on good behavior and emergency capacity for inmates detained in the Justice Center should be implemented and authorized pursuant to an authorizing statute with



criteria for release based on objective factors.

NOW THEREFORE BE IT RESOLVED, that the Tribal Business Council of the Three Affiliated Tribes hereby enacts the following statute which shall be codified into the Three Affiliated Tribes Tribal Law and Order Code:

Authorization for an Early Release Program for Adjudicated or Sentenced Inmates Detained in Tribal Detention Facilities.

Section 1. Purpose. The purpose of this code is to authorize early release programs to be implemented at tribal detention facilities which will allow certain inmates to be released prior to the expiration of their sentences for good behavior which is based upon compliance with institutional rules and participation in rehabilitation program and to allow eligible inmates to be released prior to the expiration of their sentences in emergency situations where a detention facility is detaining inmates beyond its capacity.

Section 2. Definitions. The following definitions apply to the interpretation of this code:

1. **Early Release:** Means the release from incarceration by a detention facility of an inmate sentenced by tribal court to serve a specified amount of time in detention prior to the expiration of such specified time.
2. **Good Behavior:** Means inmate behavior that meets the performance criteria established by the detention center for early release including compliance with institutional rules and participation in court ordered or staff recommended treatment, rehabilitation, work and educational programs.
3. **Emergency Capacity:** Means a situation whereby a tribal detention center is or will be detaining inmates beyond its capacity which presents a serious safety and security issue for the facility, its inmates and staff.

Section 3. Authorization for Early Release Program. Any tribal detention facility located on the Fort Berthold Indian Reservation shall be authorized to develop and implement an early release program for inmates housed in such detention center subject to the provisions of this code. Early release programs shall only be authorized for good behavior or for emergency capacity purposes as those terms are defined in this code. An early release program shall be developed and implemented in writing by the detention center subject to the limitations and requirements set out in this code.

Section 4. Minimum requirements and limitations for good behavior early release programs. An early release program for good behavior shall include inmate performance criteria which includes at a minimum compliance with all major rules of the institution and participation in court ordered or staff



recommended treatment, rehabilitation and education programs. The early release program for good behavior may authorize up to a maximum of a twenty percent reduction in sentence. The program shall establish other eligibility and criteria for early release which are based on objectives factors. Special rules for serious offenders including violent offenses and drug distribution offenses shall also be established.

Section 5. Requirements for early release program for emergency capacity. An early release program for emergency capacity shall include the establishment of criteria for eligibility for release which shall include at a minimum the nature of the inmate's offense, the inmate's behavior while detained, and the length of sentence served.

Section 6. Victim notification for early release of violent offenders. In the event an inmate convicted of a violent offense qualifies for and is released under an early release program, the detention facility releasing the inmate shall provide written notification to any known victim(s) of the inmate prior to the inmates release. The detention facility shall diligently seek out information from tribal courts and other sources regarding victims.

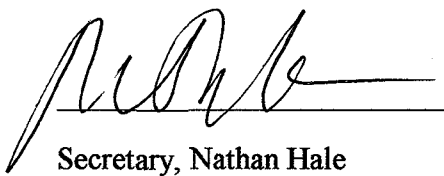
Section 7. Review and approval of early release programs. Prior to implementation of an early release program, the written program plan shall be submitted to the Three Affiliated Tribes Tribal Judicial Committee for review and approval.

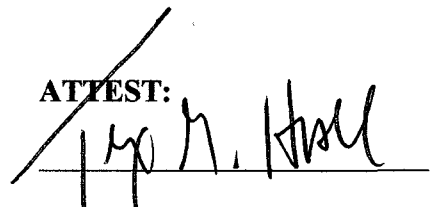
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Forth Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 17th day of October 2005; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [X] voting. [] not voting.

Dated this 17th day of October 2005.


Secretary, Nathan Hale
Tribal Business Council

ATTEST:

Chairman, Tex G. Hall
Tribal Business Council