



RESOLUTION NO. 16-007-LKH

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

A Resolution entitled, "WARRIORS OF THE 21ST CENTURY, A RE-ENTRY PROGRAM." A program to assist tribal members who have been, or who are currently on, State or Federal probation, or who have successfully completed treatment for illegal drugs, or controlled substances, to make a successful transition to community life"

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and,

WHEREAS, The Constitution of the Three Affiliated Tribes generally 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 3 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to delegate to the Tribal Court such judicial power and jurisdiction as may be necessary to realize the sovereign authority granted by the People in Article I of the Constitution; and

WHEREAS, Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt resolutions regulating the procedure of Tribal agencies; and

WHEREAS, The MHA Nation and tribal members are experiencing an epidemic of illegal drug addiction that impacts families and communities; including, creating an economic burden on the judicial system, law enforcement, social services and healthcare costs; and

WHEREAS, The Tribal Business Council acknowledges and recognizes that in addition to incarceration and treatment, a "re-entry" program is needed for recovering addicts; and

WHEREAS, Presently, there are 228 tribal members on State and Federal probation and 189 (83%) out of the 228, are in the Bismarck/Mandan area, these individuals are in need of a support system upon re-entry and eventual return to the MHA Nation; and



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- WHEREAS,** Statistics from the National Institute of Justice prove that 56.7% of individuals will be re-arrested within one of year being released from incarceration and, within five years, 76.6% of prisoners will be rearrested, which can be interpreted to mean that 175 tribal members will be re-arrested within five years; and
- WHEREAS,** A high percentage (175), if not all (228), of the above identified criminal offenders will return to the MHA Nation and will, most likely, resume their life of drug addiction, drug trafficking, and other criminal behaviors; and
- WHEREAS,** The source of the problem for high recidivism rates lies with the fact that these individuals have no support system upon their release from incarceration or treatment; and
- WHEREAS,** Tribal members who have been incarcerated and are on probation face significant challenges and barriers to re-entering the community and their continued drug related criminal behavior will continue at a great price to the Tribe, the communities and families; and
- WHEREAS,** The Tribal Business Council acknowledges that it will continue to spend millions of dollars on healthcare, social service related programs, law enforcement and the courts, without an effective re-entry program to reduce the recidivism rate and to ensure drug addicted tribal members do not resume their drug addictions and criminal behaviors; and
- WHEREAS,** The Tribal Business Council recognizes that its priority is to ensure the safety and well-being of tribal members and communities of the MHA Nation and comprehends the need for a re-entry program in order to stop drug trafficking criminals and drug addicts from continuing to engage in these activities on the MHA Nation; and
- WHEREAS,** The Tribal Business Council recognizes that additional efforts must be undertaken to provide support and rehabilitation to substance abusers who have been to treatment, served jail time, are on probation, have lost their families and employment and who are otherwise good candidates for the Warriors of the 21st Century Re-Entry Program; and,



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WHEREAS, The Warriors of the 21st Century Re-Entry Program can provide assistance to tribal members who are on State and Federal probation, including tribal members in recovery, for the purposes of determining their individual needs for services and for the purposes of developing case management and coordinating services for housing, job training, job placement, literacy skills development, GED and higher educational courses, parenting classes, life skills, spiritual needs, and other sources of support; and

WHEREAS, A major goal of the Re-Entry Program is to assist with finding employment for our tribal members and to strive to address their needs by helping them assess their needs; and

WHEREAS, The goals of the Warriors of the 21st Century Re-Entry Program is to seek collaboration and pursue partnerships within our Nation's communities that include public and private agencies, as well as Federal, State and Local governments to support the efforts of the Nation's re-entry program; and

WHEREAS, The Tribal Business Council recognizes the need to waive the background check for participants in the Re-Entry program in order to find job placements with tribal programs and, upon placement in a tribal department, the re-entry participants shall be treated the same as tribal employees and subject to the Tribe's Policies and Procedures, with the exception of the background check related specifically to their incarceration for drug related crimes; and

WHEREAS, The Warriors of the 21st Century Re-Entry Program, in order to ensure that program participants have the tools necessary to succeed upon return to the MHA Nation, the Program will establish the following priorities:

- Establish a comprehensive, standardized, objective and validated intake procedure that assesses each offender's and addict's strengths, risks and needs.
- Develop an individualized plan that explains what programming should be provided to ensure a successful and safe return to the community.
- Develop for each offender in a correctional facility a similar plan that explains what programming should be provided following incarceration.
- Help offenders maintain, establish, re-establish, expand and strengthen relationships with their families and make services and support available to offenders' family members.
- Connect program participants to employment before their release into the community. Facilitate access to sustainable housing upon return to the community.
- Review and prioritize what the releasing authority has established as terms and conditions of release and develop a community supervision and treatment strategy that corresponds to the resources available, reflects the successful re-entry and encourages compliance with release conditions.



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NOW, THEREFORE, BE IT RESOLVED, The Tribal Business Council, pursuant to its express Constitutional power and authority, hereby provides a budget for the Warriors of the 21st Century Re-Entry Program to focus on giving drug addicted tribal members a second chance thereby reducing crime and drug trafficking on the MHA Nation.

BE IT FURTHER RESOLVED, The Tribal Business Council acknowledges that in order to provide re-entry services to tribal members and to provide safe communities on the MHA Nation that funding shall not exceed the amount of \$ 425,000.

BE IT FURTHER RESOLVED, In order to efficiently meet the needs of individuals in the Re-Entry program, the program is authorized to lease office space in Bismarck, ND, where nearly 85% of Tribal members are on State and Federal probation for drug related crimes; and

BE IT FURTHER RESOLVED, The Warriors of the 21st Century Re-Entry program shall be under the jurisdictional authority of the Tribe's Justice Commission; and shall make monthly reports to both the Judicial Committee and Justice Commission of the MHA Nation.

BE IT FINALLY RESOLVED, The Re-Entry Program shall adhere to the principles of excellence in good government and accountability; promote fiscal responsibility, operate with consistency, high ethical standards and clarity, and, ensure fairness in the implementation of the Re-Entry Program.

(SIGNATURE PAGE TO FOLLOW)



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CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on

the 14th day of January 2016, 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 Voting. Not voting.

Dated this 14th day of January, 2016.

ATTEST:

Tribal Secretary, L. Kenneth Hall
Tribal Business Council
Three Affiliated Tribes

Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes