



RESOLUTION NO. 2016-090-LKH

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

**A Resolution entitled: “*Authorizing a Memorandum of Understanding Between The Three Affiliated Tribes of the Fort Berthold Indian Reservation, Department of Justice, United States Attorneys Office, United States Probation and Pretrial Services, and the North Dakota Department of Corrections and Rehabilitation*”**

*A MULTI-JURISDICTIONAL EFFORT TO ENSURE SUPPORT AND SERVICES ARE PROVIDED TO ASSIST TRIBAL MEMBERS WITH SUCCESSFUL REINTEGRATION BACK INTO THEIR RESPECTIVE TRIBAL COMMUNITIES.*

**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(l) 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 increase of substance abuse from illegal drugs such as methamphetamines and heroin that impacts families and communities; including, creating an economic burden and hardship on the Tribe and its programs such as law enforcement, judicial, social services, healthcare, addiction counseling and treatment centers; and

**WHEREAS,** The Tribal Business Council acknowledges and recognizes that in addition to incarceration and treatment, a re-entry program is needed to reduce recidivism rates and to assist tribal members with successful reintegration; and

**WHEREAS,** Presently, there are approximately 100 MHA Nation tribal members in the Bismarck/Mandan area on State probation, and 80% to 85% out of 100 have been incarcerated on drug related charges, and 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 a study conducted by the U.S. Department of Justice demonstrate that more than a third of released prisoners were arrested again within six months of their release with that number rising to 56.7% by the end of the first year; within three years that number rose to 67.8%; and, the number of prisoners re-arrested within five years reached 76.6%.

**WHEREAS,** A high percentage of the above identified criminal offenders will return to the MHA Nation and, given the statistics identified above, will resume their life of drug addiction, drug trafficking, and committing crimes relating to illegal substance abuse; and

**WHEREAS,** Governmental entities are recognizing that in order to combat recidivism rates, additional assistance for reentry and transitional programs for support services are needed in order to ensure greater success rates upon their release from imprisonment; and

**WHEREAS,** The Tribal Business Council acknowledges that without an effective re-entry program to reduce recidivism rates, that recidivism will come as a great price to the Nation and the Tribal Business Council will continue to spend millions of dollars on healthcare, social service programs, treatment programs, law enforcement, and judicial services; and

**WHEREAS,** The Tribal Business Council recognizes that its priority is to ensure the safety and well-being of individual tribal members and families; including, providing safe communities for all members of the MHA Nation; and

**WHEREAS,** The Warriors of the 21<sup>st</sup> Century Re-Entry Program can provide assistance to tribal members who are on probation, or recently released from incarceration, for the purposes of determining their needs and developing individual case management plans and will coordinate services for housing, job training, job placement, literacy skills development, GED and higher educational courses, parenting classes, life skills, spiritual and cultural needs, addiction counseling and other sources of support; and

**NOW, THEREFORE, BE IT RESOLVED,** The Tribal Business Council recognizes that in order to promote mutual and effective Tribal, State and Federal government to government relationships, it is essential to share information; create an advisory board made up of the signatory parties, or their designee, including a Native American spiritual, cultural or traditional individual that meets monthly or, at a minimum, quarterly; and, work together to determine common goals and best practices to reduce recidivism rates for tribal members; and





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**BE IT FURTHER RESOLVED**, This MOU is not a commitment of funds but, instead, demonstrates a commitment between the parties to work towards common goals of finding solutions to reduce recidivism rates, restore lives and making our communities safe; and

**BE IT FURTHER RESOLVED**, This MOU is at-will and may be modified by mutual consent of the authorized parties, namely, Chairman, Three Affiliated Tribes; P. Diane Johnson, Warriors Reentry Program; Rick Volk, Assistant U.S. Attorney; Wade Warren, Chief U.S. Probation Officer, U.S. Probation and Pretrial Services; and, Leann Bertsch, Director, ND Department of Corrections and Rehabilitation; and, Doreen Yellow Bird, MHA Nation Justice Commission, Spiritual, Cultural and Traditional Tribal Member.

**BE IT FINALLY RESOLVED**, The MOU shall become effective upon signature of the authorized officials identified above; and will remain in effect until modified or terminated by any one of the partners by mutual consent.

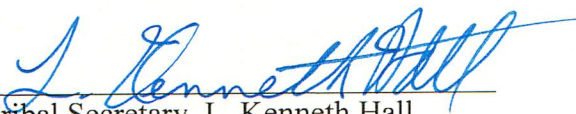
**CERTIFICATION**

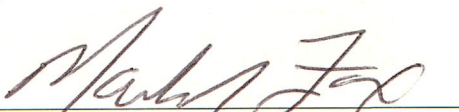
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12<sup>th</sup> day of May 2016, that the foregoing Resolution was duly adopted at such Regular 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 12<sup>th</sup> day of May, 2016.

**ATTEST:**

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

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





SIGNATURE PAGE

\_\_\_\_\_  
Mark N. Fox, Chairman, Three Affiliated Tribes of  
the MHA Nation

\_\_\_\_\_  
Date

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Dorreen Yellow Bird, Spiritual, Cultural and Traditional  
Member of the Three Affiliated Tribes, MHA Nation

\_\_\_\_\_  
Date

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Rick Volk, U.S. Assistant Attorney General  
U.S. Department of Justice

\_\_\_\_\_  
Date

\_\_\_\_\_  
Wade Warren, Chief Probation Officer  
U.S. Probation and Pretrial Services

\_\_\_\_\_  
Date

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Leann Bertsch, Director, ND Department of  
Corrections and Rehabilitation

\_\_\_\_\_  
Date

\_\_\_\_\_  
P. Diane Johnson, Director, Warriors of the 21<sup>st</sup>  
Century Reentry Program, MHA Nation

\_\_\_\_\_  
Date

