



RESOLUTION NO. 17-072-FWF

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

A Resolution entitled, "*Smart Reentry: Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community, FY 2017, Competitive Grant, in the amount of \$1,000,000.00.*"

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 methamphetamines and heroin that impacts families and communities; including, creating an economic burden and hardship on the Tribe and its programs such as the courts, law enforcement, social services, and healthcare; 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 assure successful reintegration into the communities; 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

WHEREAS, Statistics from the National Institute of Justice prove that 56.7% of individuals will be re-arrested within one of year of being released from incarceration and, within five years, 76.6% of prisoners will be rearrested.



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- WHEREAS,** A high percentage, if not all, 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 drug related criminal behaviors if they do not have the services of a reentry program; 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 and reentry programs have a much greater success rate with respect to recidivism as opposed to simply having a probation officer perform random drug testing; and
- WHEREAS,** The Tribal Business Council acknowledges that without an effective re-entry program to reduce the recidivism rates, it will come as a great price to the Tribe and the Tribe will continue to spend millions of dollars on healthcare, social service related 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 21st 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 individual needs 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,** 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, will develop a reentry strategic plan describing the long-term course of action, including quantifiable five (5) year performance goals of increasing public safety and reducing recidivism; and
- WHEREAS,** The Reentry Program seeks to further its mission by applying for additional grant funds to better assist its target market with successful reentry and reduce recidivism rates; and
- WHEREAS,** The U.S Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), is seeking to fund six (6) applicants in the amount of \$1 million, commencing October 1, 2017; provided the applicant has a commitment for 50% matching funds.
- WHEREAS,** The Warriors of the 21st Century Reentry Program has done extensive work in meeting the Second Chance Act funding requirements by establishing formal partnerships for reentry services, maintaining statistics, gathering letters of support, leveraging partnerships with health and treatment facilities, housing,



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probation and correctional departments by entering into Memorandum of Understandings and obtaining letters of support; and

NOW THERE FOR IT BE RESOLVED, the Tribal Business Council finds that it is in the best interest of the tribe to authorize the Warriors of the 21st Century Reentry Program to apply for the U.S. Department of Justice- BJA-2017-11544 "Smart Reentry: Focus on Evidenced-Based Strategies for Successful Reentry from Incarceration to Community" in the amount of \$1,000,000.00, that requires a 50% Tribal match over a 3 year project period (\$500,000.00 total over 3 years).

BE IT FURTHER 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 the target population as defined by the grant requirements in providing services to former inmates in order to reduce the recidivism rate.

BE IT FURTHER RESOLVED, the grant funds will be administered by the Warriors of the 21st Century Reentry Program and overseen by the MHA Nation Justice Commission.

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 Reentry Program.

(SIGNATURE PAGE TO FOLLOW)



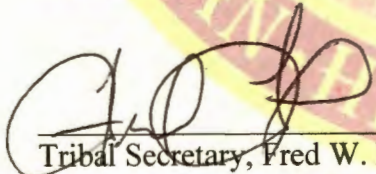
CERTIFICATION

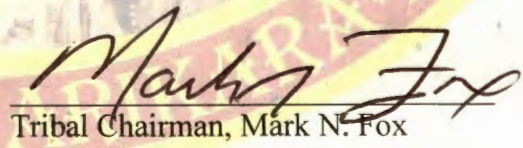
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 9th day of March 2017, 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 9th day of March, 2017.

ATTEST:

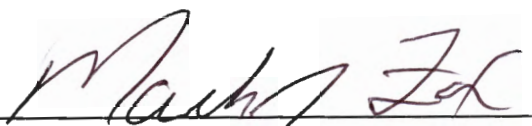

Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes


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

APPENDIX 2

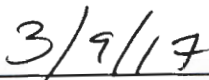
Mandatory Chief Executive Assurance to Collect and Report Recidivism Indicator Data

I hereby assure that, if awarded grant funds under Second Chance Act Smart Reentry Program, my organization will collect unique identifiers and recidivism indicator performance data for each program participant, and will aggregate all such data and submit it via the Bureau of Justice Assistance Performance Measurement Tool as required upon grant closeout. I understand that the inability or refusal to submit such data after an award is made may impact my organization's ability to receive future Bureau of Justice Assistance competitive grant funding.



Signature: Mark N. Fox

Title: Chairman of the Three Affiliated Tribes
Mandan, Hidatsa & Arikara Nation
404 Frontage Road
New Town, North Dakota 58763



Date



Mandan, Hidatsa & Arikara Nation
Office of the Chairman
Tribal Administration Building, 404 Frontage Road
New Town, North Dakota 58763-9402
Telephone (701) 627-4781

DATE: March 9, 2017

TO RECEIPT: The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA)

FUNDING OPPORTUNITY NO.: BJA-2017-11541

GRANT PURPOSE: BJA Smart Reentry Grant Solicitation, entitled, "Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community."

This letter and attached Resolutions shall serve as official authorization of the Tribal Business Council of the Three Affiliated Tribes approving the Warriors of the 21st Reentry Program to apply for the above identified grant. The Tribal Business Council's commitment to this effort is demonstrated in its assurance and pledge to match the grant award. [See, attached Resolution No.: 17-072-FWF]. The Tribal Business Council, further, passed a Multi-Jurisdictional Memorandum of Understanding with State and Federal Agencies to work collaboratively together and share information regarding tribal member inmates to reduce recidivism rates specifically for this project. [See, attached Resolution No.:17-072-FWF].

The Tribal Business Council is committed to finding solutions to reduce recidivism rates of tribal inmates recently released from incarceration. The MHA Nation is experiencing a major drug problem and crime and recidivism rates are high amongst tribal members both living on and off the MHA Nation. The Tribal Business Council further recognizes that a re-entry program provides critical services and plays a major factor in reducing recidivism rates. The Governing Body can, and must, play an important role in restoring lives of tribal members, their families and making our Reservation communities safe for all residents.

The Planning and Grants Department of the Three Affiliated Tribes is authorized to work with the Tribe's Reentry Program to apply for the grant funds identified above. If you have any questions or need information, please contact Sherrie Gillette, Grants Specialist, Planning and Grants Department, Tribal Employment Rights Office, Administration Building, Three Affiliated Tribes, at (701) 627-2600.

Thank you for your time and consideration.

Sincerely,

Mark N. Fox, Chairman
OFFICE OF THE CHAIRMAN



Mandan, Hidatsa & Arikara Nation
404 Frontage Road * Fort Berthold Reservation
New Town, North Dakota 58763-9402
Telephone (701) 627-4781

TO: The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance.

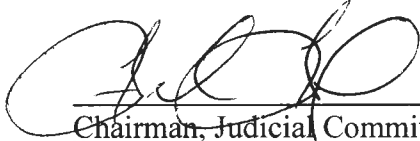
RE: BJA-2017-11544, entitled, "Smart Reentry: Focus on Evidence-based Strategies for Successful Reentry from Incarceration to Community, in the amount of \$1,000,000,000, requiring a 50% tribal match over a 3 year project period.

The Three Affiliated Tribes of the Fort Berthold Reservation (hereinafter referred to as the "MHA Nation"), encountered a massive spike in crime rates, which nearly quadrupled in the past three years, as a result of drug trafficking and subsequent problems associated with drug addiction. The negative and criminal elements that came with the development of the oil and gas reserves in northwest North Dakota, commonly referred to as the "Bakken" became apparent and by 2012, ND became the 3rd largest oil producing State in the Nation. In 2012, Homeland Security, *confirmed* that several drug cartels were operating in the Bakken in eastern Montana, western ND, and on the MHA Nation. The sudden increase in the economy brought an explosion of drug trafficking criminal activities. As a result, due to lack of law enforcement and remoteness of the reservation, meth and heroin drug traffickers had unfettered access to destroy the lives of tribal members.

There are approximately 600 enrolled members at Tribal, State and Federal levels who are incarcerated, or on probation and parole. A high majority of Tribal members on federal and state probation have no place to live and cannot obtain employment due to their criminal histories, and are prohibited by the court from leaving the county. The Reentry program has rescued tribal members from living out of cars during dangerous and life threatening winter months. The program has been successful in getting tribal members housing, employment and accepted into institutions of higher education.

These types of opportunities would not have been available for tribal members had it not been for the Reentry Program. Many employers, housing authorities/landlords and colleges have policies that deny people who have criminal backgrounds from getting jobs, apartments and from accepting them into college. These conditions are flawed and result in high recidivism rates. The services provided by the Tribe's Reentry Program are greatly needed to reduce recidivism rates. As an elected Leader, it is the Governing Body's responsibility to protect the lives of tribal members, to take all necessary measures to ensure tribal members have a "second chance" at restoring their lives which, in turn, ensures healthy families, children and communities. The drug addiction problems have reached epic proportions on the MHA Nation and, in one (1) generation, will place the Tribe in grave danger of losing its culture, traditions, values, and language. And, in the meantime, the Tribe is expending multiple millions of dollars for the added costs of healthcare, social services, judicial services and law enforcement.

In conclusion, I fully support the efforts of the Warriors of the 21st Century Reentry Program to seek additional funding to support a program specifically designed for successful reintegration back into Reservation communities and reduction of recidivism rates.



Date

3/9/17

Chairman, Judicial Committee, Three Affiliated Tribes
Mandan, Hidatsa & Arikara Nation (MHA Nation)
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Telephone: 701-627-4781