



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

HC3 Box 2 • New Town, North Dakota 58763-9402

MINUTES

Three Affiliated Tribes Judiciary Committee Meeting

Friday, September 24, 1999

10:30 a.m., Tribal Chambers, Tribal Administration

TRIBAL BUSINESS COUNCIL

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I. Meeting called to order @ 10:30 a.m.

II. Roll Call.

Chairman Fox, Member Austin Gillette, Member Daylon Spotted Bear all present.

III. Announcements.

Chairman Fox advised that the Tribal Resources Grant has been approved by DOJ; the award letter should be forthcoming by September 30, 1999. The entire Ft Berthold Justice Center project is three-fold in nature, i.e. a juvenile center, an adult center, and support/ancillary services.

IV. Approval of Minutes.

Deferred until the end of meeting.

V. Approval of Agenda.

Motion by Austin Gillette, seconded by Daylon Spotted Bear to approve agenda with amendments. Unanimous.

VI. Ft Berthold District Court.

Chairman Fox affirmed the scope of Judicial Committee authority, in that the Committee is charged with the responsibility of insuring due process and equal protection of the law for all those who have contact with FBDC. The Committee must be vigilant in safeguarding the constitutional rights of all. Chairman Fox stated the Committee's goal is neither to assess the appropriateness of decisions by FBDC, nor to replace the appellate process of the Northern Plains Intertribal Court of Appeals, but to insure that all decisions are based on the doctrine of fairness.

A. Tribal Court Budget: Judge Albert Jones stated that during the prior administration, FBDC was allocated \$100,000.00 in supplemental funds. These funds were utilized to hire 3 additional staff; however they have since been expended as have two of the positions. The remaining position is the Public Defender. His request to the Committee is for an additional \$75,000.00 above the budgeted amount to decrease heavy caseloads of Court staff. Judge Jones advised that per Tribal Programs Manager

directive, FBDC has applied for and been awarded two additional grants. These grants has succeeded in maintaining FBDC at a "bare bones" staffing level. Additionally, there is currently not a District Court Administrator on staff; this has resulted in the chief judge acting in that capacity as well as chief adjudicator. Discussion on role of court administrator centers around the responsibilities and scope of authority of position. All Committee members agree that chief judge and court administrator should be separate positions, both reflecting objectivity, independence, and a fair of amount of discretionary authority. Chairman Fox suggested that funding for court administrator be written into the general fund budget. Chief Judge position is currently being advertized. Tribal selection process dictates that TAT- enrolled veteran will be given priority in ratings system. Both positions will be selected by the Tribal Business Council, unless and until hiring authority is granted elsewhere. Jim Fitzsimmons, ND Legal Assistance Office, stated that he is concerned with the minimum amount of staff available to handle massive amounts of caseloads, i.e. one person must carry out the responsibilities of five positions. This situation leads to an extreme backlog of cases. Committee members suggested FBDC staff confer with Jim to develop/draft model to resolve backlog issues. **Motion by Austin Gillette, seconded by Daylon Spotted Bear to direct Ft Berthold District Court staff to prepare request to TBC for \$100,000.00 in additional funding for potential and existing Court staffing and needs. Unanimous.**

B. Personnel/Administrative Issues:

(Committee recessed from 2:40 p.m. to 2:55 p.m.)

VII. Legal Assistance of North Dakota.

This agenda item not covered as Jim Fitzsimmons had to leave meeting.

VIII. Ft Berthold Law Enforcement Services.

A. Update on Ted Quasula Visit of 08-18-99: Chief of Police Elmer Four Dance advised Committee that he visited with Mr. Quasula regarding COPSFAST utilizing BIA patrol units. He was told that an MOA was not possible at this time as the BIA Central Office would have to approve. COPSFAST will continue to utilize BIA vehicles, as necessary, until further notice. Elmer also noticed Committee that cross-deputization training will be conducted in November 1999; however, cross-deputized officers may begin these duties before this training because training is not mandated.

B. Law Enforcement Initiatives: Some of the initiatives being addressed presently include DUI's, speeders, Safe Highways, Safe Schools, Gang-Related Training, Canine Patrol Units, and Bicycle Units. All initiatives are proactive in nature and designed to keep lines of communication open between communities, organizations, and LES. Elmer advised Committee that a Law Enforcement Summit will be held October 4-5, 1999 in New Town. Invited participants include LES personnel, school administrators and faculty, student councils, and ambulance squads. Intervention is key component in all training offered by LES. Committee suggested that LES submit proposal for additional funding for dispatch operators in outlying communities, support equipment such as vehicles, uniforms, handguns, and other needs.

C. & D. DOT Meeting re. Highway Fatalities/DUI Enforcement Measures: Chief Four Dance advised that there is \$80,000.00 available in grants for "Saturation", detection, and apprehension patrols for the state of ND, and that LES has applied through TAT. He will keep Committee apprised of status of grant application. Other intervention/preventative measures include impounding vehicles and reporting of DUI stats to state. However, secured impound areas and sovereignty issues must be weighed before these can be seriously considered. At issue also is the practice of area detention facilities allowing for "good time" vs a court-mandated incarceration.

E. COPSFAST Training Update: Chief Four Dance expressed concern that the COPSFAST may lack trial experience because of the shortage of trials. To combat this, officers may be allowed to view firsthand trials in federal court jurisdictions. He assured the Committee that all COPSFAST officers are allowed opportunity to attend the policy academy and that all training exceeds minimum standards set forth with regard to city and county requirements. Chairman Fox requested LES concentrate on preventing drug activity in local housing units/organizations.

IX. Ft Berthold Coalition Against Domestic Violence.

A. Code Update: Roberta Crows Breast, Director, FBCADV, advised that the original code was adopted in 1984. She submitted revised Code and requested Committee review before full TBC approval. Legal will work with her on necessary changes. One area of concern is proper service of warrants and summons. Roberta requested Committee assist with this procedure in particular.

B. Additional Discussion Issues: Roberta stated that in 1997, a tribal resolution was enacted which authorized FBCADV contract with William Woods for legal services. She requested clarification regarding process of changing the contract. Committee advised her to take back to her Board for discussion and approval. The Committee will then again consider the issue.

X. Circle of Life.

Orville Mandan requested Committee look at process which dictates that COL sign all court-committals. He advised Committee that all other courts he is familiar with mandates court staff process court-committals. Orville voiced concern that there may be a conflict of interest if alcoholism program staff declares the defendant in need of and also provides the treatment. He also urged the Committee to explore the possibility of enacting an inhalant abuse offense. Orville advised the Committee that the "open-ended" court orders which mandate treatment may be a civil liberties violation because the sentence theoretically has no ending date. Alcohol and Drug Treatment orders are commonly written to reflect that a person must remain in treatment "until treatment is completed". He would like to see a specific time frame mandated for A&D treatment. He also stated that it has been his experience that A&D treatment is becoming the "first option" to serve before the mandated incarceration. The Committee will discuss this and the other concerns of various human services organizations by calling a mini-conference to resolve some of these issues.

XI. Additions to Agenda.

Motion by Austin Gillette, seconded by Daylon Spotted Bear to require all requests to Judicial Committee agenda be screened for appropriateness for hearing before Committee. Unanimous.

Motion by Austin Gillette, seconded by Daylon Spotted Bear to adjourn. Unanimous.

Meeting adjourned at 5:10 p.m.

APPROVED:



Mark N. Fox, Chairman, Judiciary Committee