



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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THREE AFFILIATED TRIBES JUDICIARY COMMITTEE MEETING FRIDAY, MAY 12, 2000

TRIBAL BUSINESS COUNCIL

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MINUTES

1. Call to Order and Opening Prayer.

The Judiciary Committee Meeting of Friday, May 12, 2000 was called to order at 10:30 am in the Tribal Chambers. A moment of silent prayer was held.

2. Roll Call.

All members present: Chairman; Mark Fox, Member; Daylon Spotted Bear Member; Austin Gillette.
Committee Recording Secretary; Joelle Demaray

3. Announcements.

Chairman Mark Fox stated that a Pre Application Grant Training Conference was held in Denver, CO on April 25, 26, 27, of 2000. Mr. Fox stated four members of the Judicial Planning Committee attended. He said, attending the Pre Application Grant Training Conference is a positive step towards the development of the Detention Center.

Chairman Mark Fox stated the outcome of the selection of the judge position. He stated that the Full Council selected Judge Albert Jones. They chose to extend his position until the end of the fiscal year.

4. Approval of Minutes.

Deferred to the end of meeting.

5. Approval of Agenda.

Motion by Daylon Spotted Bear to approve the amended agenda, **Seconded** by Austin Gillette.

Vote: 3-0-0-0 / Motion Carried

6. Legal Assistance of North Dakota.

a. Adoption of Tribal Rights Brochure.

Jim Fitzsimmons presented the brochure; If You Have Been Charged With a Crime on Ft. Berthold. It has been revised and amended. Judge Jones questioned whether the brochure should be handed out at the Defenders Office or while the person is in jail. It was decided that the brochures would be posted in jail.

b. Retention of Dated Tribal Court Records.

Mr. Fitzsimmons stated that he has had some complaints from people about retaining old documents and records. Judge Jones stated that there are stacks of old documents located at the Tribal Court. Chairman Mark Fox stated that it would be helpful if the Tribal Court would hire an intern to go through all of the old records and sort them.

Motion by Austin Gillette to recommend that the Full Council fund an intern position to help organize tribal records at the Tribal Court, **Seconded** by Daylon Spotted Bear.

Vote: 3-0-0-0 / Motion Carried

c. TAT Arraignment Policy.

Jim Fitzsimmons stated that two Prosecutors are needed at the Tribal Court. Currently, there is one Part time Prosecutor that is available two times a week. He stated that two would make the arraignment process easier. Another issue that was brought to the table concerning arraignments was the length of time a prisoner is held in jail without being arraigned. If a prisoner is held in custody over 72 hours without arraignment, is a civil rights violation. Chairman Mark Fox asked if there were any problems if the arraignments were held on Monday and Thursday, instead of Tuesday and Thursday.

Motion by Austin Gillette to approve of having arraignments on Monday and Thursday, and to also announce this on the radio to inform the public, **Seconded** by Daylon Spotted Bear.

Vote: 3-0-0-0 / Motion Carried

7. TAT Social Services-Nelson Heart.

Nelson Heart presented a short report on how Social Services work together and how reports are handled.

8. Special Criminal Investigator-Homer White Buffalo-Update.

The Judicial Committee welcomed Mr. White Buffalo back to work, he was in the hospital for a period of time.

Austin Gillette directed Mr. White Buffalo to give an update in a written report and present it to Full Council.

9. Law Enforcement-Lead Officer Tex Fox and COP Elmer Four Dance.

a. Update on Current Activities

Mr. Four Dance stated that there is a grant currently available for overtime for the officers. It is currently being worked on with the State. He also stated that they are working on a Community Pride Project. The first stage of this project is going to be working with all of the communities to remove abandoned vehicles. Chairman Mark Fox stated that Parshall's Community Clean-Up day is going to be held May 25, 2000. He invited Mr. Fox, Mr. Four Dance and the other Officers to the Clean-Up day.

b. Training, Scheduling, and Vacant Positions of COPSFAST Officers.

Mr. Four Dance stated that Jeff White, BIA Officer, was sent to Firearms Instructor School in New Mexico. He was awarded with the Keith Connely Award. He stated that there was five other Officers that were sent to Arizona to be certified as instructors as well, all five were certified. Mr. Four Dance also presented a letter of commendation from the United States Attorney. Chairman Mark Fox suggested Mary Coffey put the certificate in the MHA Times.

c. Budget Issues.

Mr. Fox stated that the money the Tribe receives from DOJ only addresses the officers (COPSFAST) salaries. Mr. Fox stated that the Tribe pays the salary of five Officers. Mr. Fox stated that their needs to be clarification if the Tribe started paying yet or if the salaries are still coming out of DOJ grant money.

d. Grant Update- Tribal Resources and UHP.

Mr. Four Dance stated that Lisa Redford, Mr. FourDance, and Mr. Fox completed a grant. The grant was for \$2,000.00. They have also applied for a grant that applies for 21 police vehicles. The total amount requested in grants was \$1.5 million.

e. North Segment MOA.

Mr. Four Dance stated that the BIA Superintendent position is still under the Law Enforcement. Chairman Mark Fox stated that The Committee would review and make the necessary adjustments.

f. Detailing Reservation Police Officers.

Chairman Mark Fox stated the concern of Mr. Four Dance being detailed out to other reservations. He commended him on what a good job he is doing but also stated that he is needed here as much as any other place.

Motion by Austin Gillette to request a letter that suggests that Mr. LaRoque detail Officers from other reservations, **Seconded** by Daylon Spotted Bear

Vote: 3-0-0-0 / Motion Carried

Motion by Austin Gillette to write a letter of request to hold a special off-season training for COPSFAST , **Seconded** by Daylon Spotted Bear.

Vote: 3-0-0-0 / Motion Carried

10. Writ of Mandamus-Bill Woods.

Jury Trials. Mr. Woods stated in his letter that the court is budgeted for Jury Trials but never holds any. Mr. Jones stated that he would address this issue and look at the procedures for holding jury trials.

11. Four Bears Community Development Board-Juvenile Activities.

Representatives from the Four Bears Community Board presented their concerns about vandalism being done by juveniles in the Community. The Community Recreation Coordinator informed the Police and a report was written but nothing was done on the Court level and nobody was held responsible. The Four Bears Community Board is encouraging the court system to start prosecuting the juvenile delinquents and make them pay for the damages that they have done to public and private property.

The Court will investigate ways to make restitution enforceable and will address this issue at a later meeting.

12. Fort Berthold District Court

a. Update on Drug Court Planning and Delivery of Treatment Services

Judge Jones stated that they are waiting on information stating whether or not they are approved for the Drug Court .

Delivery of Treatment Services is a Federal Issue. Judge Jones stated that there is an issue with federal offenders not receiving the appropriate treatment that is needed. The next step is to work with the Federal Judges and Probation Officers about the improvements that need to be made to inmates on the reservation.

b. Budget Issues

Carol Ross, Finance Department of District Court, presented an alternative budget and a supplemental budget. She stated that the supplemental budget must be reviewed and worked over. Austin Gillette suggested that the Tribal Business Council re-access the Courts budget. They will review it on May 20, 2000.

c. Administration Issues-Personnel

13. Adjournment.

Chairman Mark Fox stated that all other issues that were not addressed today would be deferred until Monday.

Motion by Austin Gillette to adjourn at 1:49pm. Seconded by Daylon Spotted Bear.

Vote: 3-0-0-0 / Motion Carried

Approved


**Mark Fox, Chairman
Judiciary Committee**

12/18/00
Date