

**THREE AFFILIATED TRIBES  
JUDICIAL COMMITTEE  
REGULAR MEETING  
DECEMBER 18, 2000**

**01. CALL TO ORDER:**

Committee Chairman, Daylon Spotted Bear called the meeting to order at 1:30 p.m.

**02. ROLL CALL:**

**Members Present:** Committee Chairman, Daylon Spotted Bear; Member, Mark Fox; and Marcus Wells, Jr. Also present at the meeting was recording committee secretary, V. Judy Brugh.

**03. APPROVAL OF MINUTES:**

Member, Mark Fox stated there might be one or two sets of minutes that will be presented at the next meeting for approval.

**04. OLD BUSINESS:**

(No old business was brought up)

**05. NEW BUSINESS:**

a. The Tribal Court report was deferred until the Court Administrator was present.

b. Bureau Of Indian Affairs: Angus Fox was not present at the meeting.

**COPS FAST:** Elmer Four Dance informed the Judicial Committee he wanted to discuss the 25 CFR and how it impacted the Reservation. The 25 CFR mandates all law enforcement or police officers be certified by an academy prior to performing any law enforcement functions. It states in the CFR a specific statement where it says Bureau of Indian Affairs funded programs, so DOJ is not a funded program but yet under the MOU the Bureau supervises those officers but it is not actually clear whether or not they should be taken off the road and that is why he has not, up to this point. Discussion followed at this time. Mr. Four Dance further informed the Committee that in March they have a total of ten officers that need to go through basic training. Three are leaving in January and ten in March to get them all into an Indian Police Academy. In the interim he has written up a proposed policy to deal with this problem. He has further stated he asked for a copy of the liability insurance the Tribe has on the police officers. Committee Member, Mark Fox asked who the agency spoke with in DOJ and Mr. Four Dance stated June Kress who is in Washington, D.C. Mr. Fox felt someone should speak with her on this issue, either himself or all of the people present who have had to deal with this problem.

Jean Baker read minutes from the Tribal Business Council directing Terry Red Fox to draft a letter to Brent LaRocque from the Aberdeen Area concerning the training dollars and for fifteen officers to attend training at the United Tribes. Mr. Red Fox was also to contact all Tribes for this training because they can't pass the background check and to get it done in an easier timely manner.

**Committee Member, Mark Fox motioned the Judicial Committee support the local BIA law enforcement initiatives to qualify or put into special status those individuals who have not yet attained basic training as provided in 25 CFR 12.35 and the second step would be to initiate a meeting with BIA and DOJ officials to get a better understanding of what the options are going to continue to be and to coordinate that with TAT Council and Committee Members here. Seconded by Committee Member, Marcus Wells, Jr.**

Discussion: Committee Member Marcus Wells, brought up his concern that Non-enrolled members and probably non-Indians are being hired now but Indian Preference is the rule and if something is being done where the Tribe is losing their COPS FAST employees, whether it's overtime or working the graveyard and if the Tribe is doing something that's somehow or someways, affording them the opportunity to leave, he felt the Tribe should be recruiting their enrolled members and retain them, not say "good job, see you later." He would like to see this in the motion. Committee member, Mark Fox stated "we're really using DOJ funding to train officers and by the time they get to that level where they are full fledged and received all the experience necessary to be recognized as an officer under the code, really what we did was train them for them to be picked up by the BIA and they are not really going to carry out their full load under the DOJ to be actual tribal COPS FAST officers, not very long anyway." Discussion followed about the assumption of the program under the Tribe and the COPS FAST program and DOJ.

**VOTE:**           3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting.  
Motion carried.

**c. Tribal Court Update:** Ms. Young Bear informed the Committee the Tribal Court had put a booklet together. Ms. Millie Berryhill asked if she could interject at this time as she had people waiting for arraignment at 1:30 p.m. She asked if they had any questions for her. The Committee informed Ms. Berryhill her contract was extended for another two years.

Ms. Maggie Young Bear presented her booklet for the Committee members and went over it with them. She explained who was all working in Tribal Court at the present time with the majority being permanent staff and three temporary appointments. Discussion followed on the salary of two of the workers and how they arrived at the salary they presently are receiving. Ms. Brady informed the committee the schools would like to make the selection on the truancy officers but she wanted to know who was paying their salaries. The Committee said they would have to get this clarified through Council so Ms. Young Bear needs to get her proposal in to the Council for consideration in the budget for the bailiff position too.

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Discussion was held between Elmer Four Dance and the Committee whereby Mr. Four Dance informed the Committee they were to have worked with the Tribal Personnel Department and come up with a personnel handbook for the law enforcement program but instead of having two what they proposed was the BIA law enforcement handbook be adopted by the Tribe and that's part of the signing of the BIA MOA that's in place there. There was only a couple concerns stated Mr. Four Dance and it went to Legal Department four years ago and they have resubmitted it three different occasions since.

**Committee Member Mark Fox motioned by letter to direct the work be completed by legal and be prepared for presentation by the next Judicial Committee Meeting. Seconded by Committee member, Marcus Wells, Jr.**

**VOTE: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting**  
Motion carried.

Committee member Mark Fox informed the Court staff one of the items they asked for from Judge Jones was for disposition status reports as well. They would like to know how many convicted and sentenced, how many were dismissed, how many were still pending, all of these items broken down. He further stated they want this information so in turn the Committee can answer to the Council or other criticism about the fines and costs and it being referred to as a slush fund.


The Committee would like to meet with Judge Beaudry at the next meeting.

**d. Criminal Investigator: Nelson Heart.** Mr. Heart informed the Committee there is a large backlog of cases. He has been working closely with the Assistant U.S. Attorney and will be taking about four cases to the Grand Jury in January. The only big highlight of the case he'll be discussing is Thursday with the FBI and Chairman in Bismarck on the Casino. Mr. Heart said the U.S. Attorney he's working with is Claire Holthoff and Mark Fuhrman, the FBI agent. The Bismarck office is assigned to Ft. Berthold now, not Minot.

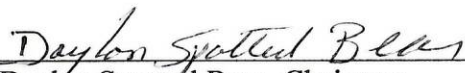
**Committee member Marcus Wells, Jr. motioned to adjourn the meeting. Seconded by Mark Fox.**

**VOTE: 3 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting**  
Motion carried.

Dated this 2nd day of February, 2000.

  
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V. Judy Brugh, Recording Secretary  
Judicial Committee  
Three Affiliated Tribes

**ATTEST:**

  
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Daylon Spotted Bear, Chairman  
Judicial Committee  
Three Affiliated Tribes