



MANDAN, HIDATSA, & ARIKARA NATION

Three Affiliated Tribes • Fort Berthold Indian Reservation

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

TRIBAL BUSINESS COUNCIL

(701) 627-4781

Fax (701) 627-3805

THREE AFFILIATED TRIBES JUDICIAL COMMITTEE REGULAR MEETING JUNE 19, 2001

01. CALL TO ORDER:

Committee Chairman Daylon Spotted Bear, called the meeting to order at 2:00 p.m.

02. ROLL CALL:

Members present: Committee Chairman, Daylon Spotted Bear; Member Mark Fox and Member Marcus Wells, Jr. **Others present:** Recording Secretary, V. Judy Brugh, Maggie Young Bear, Carol Ross, Elton Poitra, Brandee Brugh, Joann Ward, Evan Burr, Gary Beaudry, Sharon Blake, Jim Johnson, Roxie Mahto, Judy Yesslith and Peter Furseth.

03. APPROVAL OF MINUTES:

Committee member Mark Fox motioned to approve the minutes of February 27, 2001 with a spelling correction. Seconded by Committee member Marcus Wells, Jr.

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

Committee member Mark Fox motioned to approve the minutes of March 15, 2001. Seconded by Committee member Marcus Wells, Jr.

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

04. TRIBAL COURT PERSONNEL:

Ms. Maggie Young Bear, Tribal Court Administrator, presented the Committee a copy of a personnel assessment submitted by herself. Personnel absent from Tribal Court were Millie Berryhill and Patrick Black Hawk.

05. TRIBAL COURT UPDATE:

Committee member Mark Fox asked Ms. Maggie Young Bear to verbally summarize the issues at Tribal Court and what needs to be done to make things better. He felt he was not receiving a clear picture of the issues as presented on the assessment report. Ms. Young Bear replied she was not completed with this assessment and it will be written. The issues Ms. Young Bear and other court staff saw were discussed at length.

**Three Affiliated Tribes
Judicial Committee
Regular Meeting - June 19, 2001
Page Two**

Mark Fox asked if Ms. Ross would compile the statistics on how much fines and costs were brought into Tribal Court for the fiscal year and what it was spent on. Ms. Ross said she was trying to take out the monies received for child support and is struggling with this software. Committee member Fox asked how much money was in their bank account now in which Ms. Ross replied approximately \$80,000.00 in the trust account. Ms. Ross said \$20,000 belongs to central finance and \$30,000 the Court is still holding in bonds that were never returned. She said she spoke with Ms. Millie Berryhill and Evan Burr and they are trying to set up a time to get together and go back through these deposits. Committee member Fox asked her what transpires on a bond deposit and Ms. Ross explained it. Ms. Ross said \$30,000 is still sitting in the trust account on these unreturned bonds. Discussion followed on how this issue can be resolved. Ms. Ross said all the records were hand written, they were never entered into the computer. Committee member Fox felt all the staff should enter all receipts and compose them in a specific order into the computer. Sharon Blake voiced her opinion on the computer program for the court to use and expressed her feelings on the filing system the court has now. Ms. Ross said in the bookkeeping portion of the court system the computer was not previously utilized. It was asked what the average fine was for all 2300 cases. Ms. Ross said \$150.00 average per case. Committee member Fox said this should bring in approximately \$250,000 to Tribal Court per year on these fines and costs. Discussion was held on various ways to obtain payment on outstanding fines and costs. Committee member Mark Fox felt Ms. Young Bear needs to assist the court staff in making a decision on what type of software it is the court needs and to also provide her own analysis on this. He felt there should be better utilization of the funding to hire a person to do data processing to get caught up so the old files can be reconciled so that the new files can be easier to deal with. Ms. Young Bear stated she had expressed the need for a data entry clerk previously and felt this could be implemented under the JTAC funding. Discussion was held on some of the positions in the tribal court system. **Chairman Daylon Spotted Bear asked if Ms. Maggie Young Bear would supply him a job description of all court personnel.**

The Chain of Command was gone over with the Court staff and it is as follows:

1. A grievance would be filed with the immediate supervisor
2. Pat Wilkinson
3. Human Resources
4. The full Tribal Business Council.
5. If the final decision by the council was not in their favor they would have the opportunity to have a grievance hearing.

Elton Spotted Horse relayed to the Committee the frustrations the staff are having within

**Three Affiliated Tribes
Judicial Committee
Regular Meeting - June 19, 2001
Page Three**

their scope of work. He cited an example of juveniles being arrested and not being able to detain them until a court order is issued by the Judge. Social Services wrote a letter to Jim Johnson saying the Court is responsible for payment of placing a juvenile in a juvenile holding facility because they claim the child is deprived, not unruly or delinquent. He said they came up with a plan whereby the juveniles are going to be doing community service, they will put on orange jump suits and pick up garbage along the highways or doing other things in the community. The Truancy officers will monitor the hours an offender has completed. Feedback from other officials was positive on setting up this type of program. This program has been implemented now. Mr. Spotted Horse felt with this program the juvenile criminal activities should decrease and felt it will be a deterrent.

Chairman Spotted Bear expressed his concern about the Bryne Grant not being funded because of these reports and asked Ms. Joann Baker if she was paid from this program. Ms. Baker said she spoke with Tammy Becker and explained to her she had been locked out of the Juvenile Office and her requests for meetings have not been acknowledged and Lisa Redford will be meeting with her and help her get these things done. Ms. Baker is hoping to get an extension. She relayed her reasons to the Committee why the items were not done.

Chairman Spotted Bear said another issue that needs to be addressed is the funding for sending the juveniles to a facility. He cited an incident of one juvenile being sent to Dickinson. Committee member Fox said the funding usually comes from the Social Services program but Ms. Baker said she was told the funding was mainly for foster care and a lock down facility is not considered foster care. Ms. Baker said she is doing an assessment now, if the juvenile is considered violent then he/she will be sent to Dickinson or where ever but otherwise attendant care in Minot is good in working with her. They can hold a juvenile up to 92 hours with a court order depending on what they did. She explained how her program works with the law enforcement agency and social services. Committee member Fox asked if Pat Wilkinson will check into why social services is not funding this type of care. Discussion followed on this.

Committee member Mark Fox motioned for Chairman Daylon Spotted Bear to immediately look into facilitating correspondence between social services and the juvenile division of the court system to come to a clear understanding of what the responsibilities are and identifying source of payment. Seconded by Committee member Marcus Wells, Jr.

Discussion: Committee member Fox said it may not remedy the situation but at least point them in the right direction and let Social Services understand and know they are being asked to cooperate and to figure out a way for placement and if there are problems, he

**Three Affiliated Tribes
Judicial Committee
Regular Meeting - June 19, 2001
Page Four**

would like to know what they consist of.

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

Committee member Marcus Wells, Jr. motioned to direct Personnel to assist Pat Wilkinson and Maggie Young Bear develop the job descriptions for tribal court and for Florence Brady to individually review with all court staff their duties, obligations and responsibilities as employees. Seconded by Committee member Mark Fox.

Discussion: Elton Spotted Horse said he was appointed three months ago as juvenile clerk and was given a thirty day temporary appointment. He was wondering what is transpiring on this. Chairman Spotted Bear stated he gave Mr. Spotted Horse this thirty day appointment in which Committee member Fox stated he would suggest the Chairman continue to authorize his position until such time as it is addressed by full council. The Chairman of Judicial can do this for any one who is in this grey area. Discussion followed on this topic and Committee member Fox explained to the staff the procedures..

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

Evan Burr informed the Committee the Deputy Sheriff of Halliday was coming to Twin Buttes, searching cars or whatever he wanted to do and Clement Packineau was going off the Reservation and citing people. Committee member Fox said Elmer Four Dance should make an inquiry and report on the basis of this and felt the Chairman of the Judicial Committee should send a letter to the Sheriff of Dunn County and ask him to look into this matter of deputies crossing the line and making arrests. Cross deputization does not exist in Dunn County. Discussion followed on this topic.

06. CLOSED SESSION:
1. Marcus Wells, Jr.

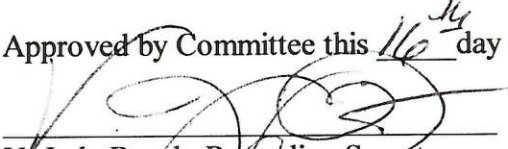
The next meeting date for Judicial will be July 9, 2001 at 1:00 p.m.

Committee member Marcus Wells, Jr. motioned to adjourn the meeting at 5:00 p.m. Seconded by Committee member Mark Fox.

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

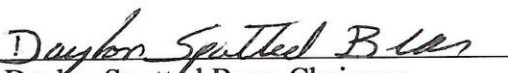
Three Affiliated Tribes
Judicial Committee
Regular Meeting - June 19, 2001
Page Five

Approved by Committee this 16th day of August, 2001.



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

ATTEST:



Dayton Spotted Bear, Chairman
Judicial Committee
Three Affiliated Tribes