



# MANDAN, HIDATSA, & ARIKARA NATION

*Three Affiliated Tribes • Fort Berthold Indian Reservation*

404 Frontage Road • New Town, North Dakota 58763-9402

TRIBAL BUSINESS COUNCIL  
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## JUDICIAL COMMITTEE THREE AFFILIATED TRIBES OCTOBER 31, 2001

**01. CALL TO ORDER:**

Committee Chairman Daylon Spotted Bear called the meeting to order at 11:30 a.m. Present: Member Mark Fox. For the record, Councilman Malcolm Wolf is attending for Committee Member Marcus Wells, Jr. who is on travel.

**02. SOCIAL SERVICES:**

Rose Nagel-White Body reported that Social Services, Tribal Court and Circle of Life reviewed the committal process. The recommendation is to have: 1) an affidavit by two family members, a doctor or counselor; 2) to have the Prosecutor do the petition and cover letter; 3) the court order for commitment provided to the Law Enforcement; 4) Respondent can be served and be placed under arrest; 5) within ten days, Respondent must attend court hearing or obtain a waiver of hearing; 6) if contesting commitment, Respondent must provide evaluation within ninety days; 7) Respondent must follow through with recommendations of evaluation, treatment and provide copies to the Tribal Court system and the service provider. Failure to follow through will be charged with disobeying lawful order of the Court (DLOC) with a ninety-day jail sentence. This recommendation will enable Circle of Life, Gilson Mandan, to provide evaluation and treatment service without having to be involved in the initial commitment process. Ms. El Marie Conklin will coordinate with Mr. Evan Burr regarding voluntary committals. Committee Member Fox stated that he would contact Circle of Life for input on their concerns with committals.

**03. TRIBAL COURT:**

**STOP Team:**

The STOP Team includes: members of the community, law enforcement, prosecutors, domestic violence program staff, and former clients. The Committee will draft the protocol and criteria for this committee. Ms. Conklin invited a member of the Judicial Committee to be appointed to the STOP Committee.

**04. DISTRICT JUDGE REPORT:**

- a. **Personnel Issues.** Revising the organizational chart for Tribal Court. Position descriptions are being evaluated and personnel assessments are being compiled for final recommendation to the Judicial Committee. Two letters of warning have been issued. The Judicial Committee recommends holding regular staff meetings to alleviate potential personnel problems and to facilitate communication between departments. Policies and procedures are being reviewed and developed.

- b. **Criminal Case Load:** Scheduled bench trials for November 2001. The Tribal Prosecutor Evan Burr will be hearing the cases, which are fairly simple. Prosecutor has not provided a criminal case backlog report. Criminal caseload has gaps in reporting of data, files not created, and numerous approved criminal complaints have not been acted upon. Ms. Conklin suggests holding a week of criminal trials to clear the cases and assign additional secretarial staff to accomplish the task. Cases that are over two years will need to be dismissed.
- c. **Jury Trials:** Jury selection can be made from registered voter lists. A panel of six jury members would be sufficient. Ms. Conklin is researching the budget to ascertain if jury trials are feasible. Mr. Evan Burr has requested Mr. Bill Woods, Special Prosecutor to assist.
- d. **Bureau of Justice Assistance Enhancement Grant:** Ms. Conklin presented a draft of the breakdown of the \$220,000 for Committee review. The current Public Defender cannot be included in the grant application since there is a requirement for an attorney to hold position.

Committee Member Fox motioned for approval to authorize the Tribal Court meet with the Criminal Investigator, Nelson Heart, to identify ways to assist the Court and to create a schedule for review at the next Judicial Committee. Seconded by Councilman Wolf.

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

- e. **Byrne Grant:** Ms. Conklin reported that the Court received notice of the Byrne Grant award of \$29,100 through the North Dakota Attorney General's Office. Reporting is a problem and the salaries and position duties must be modified. There is a need for juvenile court hearings to produce the duties of this position. Also, there is a need for the Juvenile Officer to work and communicate with the Juvenile Department.
- f. **Juvenile Detention:** Ms. Conklin stated her opinion that the Tribal Court staff should not be responsible for detaining juveniles and that Law Enforcement should address the issue. Parshall Resource Center is interested in attendant care for juveniles and could be a resource for juvenile detention/attendant care.



g. **Management Issues:**

Committee Chairman Spotted Bear requested clarification on a letter of warning to an employee. Ms. Conklin stated that the individual was requested to provide pertinent case information and at present, the individual has not complied with the request. Committee Member Fox agreed that Ms. Young Bear has the current authority and with Ms. Conklin's expertise, the future Administrator will be able to handle such issues. Ms. Conklin should not be assuming all the responsibilities of day-to-day management. Committee Chairman Spotted Bear also stated that he has received complaints from the Twin Buttes Juvenile Truancy Officer concerning the Juvenile Department.

Committee Member Fox motioned for approval to set up a meeting within the next three weeks for discussion and review of the Truancy Program with mandatory attendance by all involved parties, such as school representatives, officers, and court staff, to determine goals and objectives. Seconded by Committee Member Wolf.

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

h. **Time and Attendance:**

Committee Chairman Spotted Bear inquired about the necessity of after-hours duties assigned to Juvenile Officers. Ms. Conklin reviewed the caseload and has determined that overtime hours are not required since there are female detention officers available.

i. **Court Positions Contingent Upon Grant Funding:**

Ms. Conklin reported that the District Court Criminal Clerk and the Juvenile Case Manager are contingent upon funding. There are temporary appointments in each position, the positions have been advertised and closed and are to be presented to the Full Council for selection. The Criminal Clerk position may be under 638 Contract. Ms. Conklin will be working with Pat Wilkinson to determine position funding.

FOR THE RECORD, Committee Member Fox commended the Tribal Court staff and Mr. Richard Mayer for obtaining the \$220,000 grant and software for increased capabilities.

j. **Fines and Costs:**

Committee Member Fox requested a breakdown on how monies were spent. The report should include a summary and justification for expenditures. Ms. Conklin stated that one temporary position is being paid out of the Fines and Costs account.

JUDICIAL COMMITTEE  
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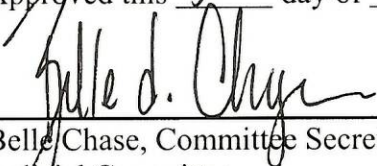
Committee Member Fox motioned for approval of signatory authority by Committee Chairman Spotted Bear for the temporary appointment of the Special Prosecutor. Seconded by Councilman Wolf.

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

Committee Member Fox motioned to adjourn the meeting at 1:05 p.m. Seconded by Councilman Wolf.

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

Approved this 5<sup>th</sup> day of December, 2001.

  
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Belle Chase, Committee Secretary  
Judicial Committee  
Three Affiliated Tribes

ATTEST:

  
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Daylon Spotted Bear, Committee Chairman  
Judicial Committee  
Three Affiliated Tribes