



**THREE AFFILIATED TRIBES
JUDICIAL COMMITTEE MEETING
NO. 05-01-MP
JUDICIAL MEETING
JANUARY 10, 2005**

CALL TO ORDER AND INVOCATION:

Committee Chairman Mervin Packineau called the meeting to order at 10:47 p.m., with invocation by Jim Johnson.

ROLL CALL:

Committee Chairman Mervin Packineau, Councilman Daylon Spotted Bear, Councilman Frank White Calfe.

OTHER PRESENT: See attached list

01. JUVENILE OFFICER REPORT: Jim Johnson

- Juvenile Officer Report in placing Juveniles in the Gerald, "Texx" Fox Justice Center.
- The Justice Center is considered only an Adult Detention Center
- Juvenile Code
- Insufficient staff
- Restitution Tribe could take from them. First give parents an opportunity to pay and if they don't pay then have the Tribe take it out of pay check or any benefits they may receive.
- Juveniles transferred to Adult Court are still considered a juvenile.
- Need a response from the State Court over jurisdiction problems.
- Committee should be formed to resolve this. Propose to update the Juvenile Code [\$45,000 a year.] Tribal Court in the past has paid \$190,000 for Juvenile placement from their budget.
- Operation Management funds for the GTFJC.
- The Center has an ability to house 24 Juveniles. At the outset of the opening of the Juvenile Center an increase in the number of incarceration but at the end of year they will see a deterrence effect. Re-write Juvenile Delinquency in the Scope of Work. Social Services payment was directed by the TBC. [Carry-over} Potential for money to come from the Social Service and Tribal Court. Find out ways to cover these functions. Money that Social Services receive is not intended for lock-up, but can be used for foster care. The Court is not involved with detention; it is the Bureau's responsibility the Chairman should be informed so he can talk to them.

Group Home options Tribe needs to start up a group home. Attendant care, Costs for a Group Home [\$250,000] Williston wanted to come on the Reservation and build a home. [Frank White Calfe]. When you're dealing with Juveniles, Social Services should be involved.

Needs costs for what the Detention needs to operate on. Manual use for scope of work visitations. Home studies for children that aren't in our program.

0 Get a package need to organize within the system.

Parents should pay and should be responsible Juvenile Justice Grant. Prospective New grant Juvenile Justice Center. Gloria Fast Dog: Intervention certified in the wrap around.

[Mervin] October 16, 2003 facilities willing to obligate these funds. It was started but not followed up.

[Frank Felix] Make some type of agreement, but to look at setting something up. Officers are required to go out to other agencies, actually no money coming out of our budget. Letter is submitted with a different scope of work.

[Richard Mayer] Funds obligated.

[McLean County-Brad Erickson-Don Charging] Delinquent acts have no distinction between enrolled and non-enrolled. Referred a serious case. Gas burglaries in the Washburn area. Why would Ward come and drop them off. Underlining facts shelter care situation compared to a Juvenile Delinquent Act occurs. Less severe crimes Juvenile Intervention. Police Report as in Adult cases. Holding them has a time limit. Juvenile workers were instructed to develop a recommendation to intervene with the sentencing and send home or Juvenile jurisdiction. Also, the parents need to be responsible for their children and a reimbursement to the Court System should be established if their monthly income can't support the payments Parents need to be made to get involved with some type of restitution.

Form a Juvenile Committee
Jim Johnson
Renee Mayer
El-Marie Conklin
CEO
Frank Felix
Treasurer
McLean County Sheriff Dept

Judy Young Bear said she reported an incident in Mandaree to the police department but no one showed up. The house was renovated by the housing authority and during the incident, the Juvenile damaged it. Furthermore, her stand

was that tribal members travel to other towns off the reservation to purchase essentials and have to pay sales taxes, so they can't say that we don't pay taxes. The Tribe needs State funds to help eliminate Juvenile Delinquency. She said that the Tribal Judge needs to be elected at large, and not have anything to do with the administration of the Tribal Court. One person cannot handle both positions and do a good job.

MOTION TO BE FORWARDED TO TBC: Councilman Spotted Bear moved for approval to recommend to the Tribal Treasurer to set aside a cap of \$10,000 from the Tribal FY-05 Budget for Juvenile Detention. Councilman White Calf seconded the motion.

Councilman Spotted Bear amended his motion, "to be reimbursed upon receiving funds from the Bureau." Councilman White Calf seconded the motion.

VOTE: 3 Ayes. Motion carried.

CLARIFICATION: Once a Juvenile is incarcerated, the Juvenile Officer will be contacted, who in turn will contact the Judge, who will determine what to do and to where they will be sent. It is not a TBC issue.

01. JUVENILE JUSTICE CENTER: Mark Fox

- Introduced Charlene Knight Correctional Officer handles all the day to day activities
- Introduced Mike Young Bird Juvenile Coordinator
- Decisions made would not have done.
- Weekly things that have to be done
- Beef-up expenditures- supplies in order
- 24/7 365 days at the Justice Center
- Staff have to recognize the importance in their positions
- Life and Death situations
- Motivation Support
- Collaboration of Tribal programs
- Population decision
- Bonding MOA with Tribal Court and Justice Center [After hours & Week-ends]
- Fax bond request to Magistrate and if she doesn't respond in an hour, bond them out
- Accept money orders or certified checks
- Keys are maintained by Patty Shelkey and one in the Main Quarters
- Self bonding almost impossible
- Future Arraignment Court in Justice Center facility
- Work Release Form needed [Supervision, Certain condition requirements of the Work Release]

- Community Service: No Exercise Room for long term prisoner have been sent to the Tribal Administration (2) Tribal (9) Four Bears Casino
- CEO needs to send a memorandum to Directors notifying him that a work release has to be applied for
- OT versus Comp Time Recommendation to follow Bureau's policy [Bonnie Red Fox]
- Mental Health – Need Indian Health Services Cooperation with suicide attempts [Karole Parker]
- Drug & Alcohol
- Inmates could possibly receive GA in facilities
- Inmate Population Management
- 638 Physician Contract [Modify contract to include Detention Center]
- Health Care Plan
- Have a secured Vehicle for transportation
- Christmas activities
- Exchange transport Stanley and Williston
- Medication
- Air exchange [cement walls in cells]
- Power surges computer black out
- Emergency Generators
- Camera Recording Development
- Building and Contract Warranty
- Padded cell [has visual] Common for drug offenders
- Double bunking

Councilman Spotted Bear moved for approval for the MIS to prioritize the Justice Center.

Councilman White Calf seconded the motion.

VOTE: 3 Ayes. Motion carried.

Councilman Spotted Bear moved for approval of the recommendations 1) that the Legal

Department prioritizes assistance to the Gerald "Texx" Fox in the process of a Physician's Contract Modification, 2) proposed amendments to TAT Personnel Policies

Manual; with assistance of the TAT Finance Office and with concurrence of the Treasurer, TAT staff is authorized to setup and make effective the following accounts

at a local bank 1) Federal Contract deposit 2) Miscellaneous deposits; that healthcare and legal staff assist the GTFJC in the development of a federally required HealthCare Plan; that accounts payable payments submitted by the GTFJC be prioritized by TAT Finance Department as to avoid any threat or endangerment to the continued operation of the a facility; and to avoid capacity problems and assist in population management, a "support Letter" shall be issued

by the THAT to BIA/LES requesting BIA to extend their current contract with local county jails until the end of the fiscal year. Councilman White Calf seconded the motion.

VOTE: 3 Ayes. Motion carried.

INCIDENT REPORTS – DECEMBER 2004:

- December 7, 20004 Fight incident/Contract Jail Mountrail County
- December 10, 2004 Escape Incident
- December 15, 2004 Contraband Incident
- December 22, 2004 Inmate Verbal confrontation Incident
- December 27, 2004 Destruction of Tribal Property Incident
- December 27, 2004 Federal-non-enrolled Incident

EXECUTIVE SESSION; INCIDENT REPORTS:

SUBSTANCE ABUSE IMPACT FEE:

Carmen Taft presented a plan to initiate a “Substance Abuse Impact Fee.” This request was referred to the Tribal Court and the Parshall Resource Center to work on a plan and bring back to the next Judicial Committee for a recommendation.

- Need grant writers collecting data
- Funeral in Parshall on the day of the next board meeting of the PRC.
- Seizures vital signs Scope of Service
- Updating Policy and Procedures
- ASI
- Corn and Potato Seed for Community Gardens
- Expansion of delivery service for the PRC
- Small reduction of staff
- Strict requirements of the Detox Center

Councilman Spotted Bear moved for approval to renew (13) Attorney Licenses, and (1) Tribal Advocate License. Councilman White Calf seconded the motion.

Andrews, Michael
Dobrovlny, Colin P.
Gunderson, Thomas J.
Hankla, Peter B.
Hodge, Ronald A.
Johnson Dennis
Kelly Steve
Rogneby Monte
Sundeen Ross
Zastrow, Lisa
Van Grinsven, Bryan
Woods, William

Worthington, Jr. Wm and
Mildred Berryhill for an Advocate License.

VOTE: 3 Ayes. Motion carried.

TRIBAL COURT:

- Alternative Sentencing Guidelines for Tribal Court
- Directive coming not coming from Judicial Committee.
- Clarification to the Tribal Court
- Bring it to the Judicial Committee and they can forward it on.
{Find the Minutes from Council regarding over crowding}
- Restitution for Child Support [Steve Kelly was supposed write a policy and procedures for jailing people for Child Support.] Unfortunately they have problems and they don't deal with them. Don't pick and chose people are treated all the same.
- Individuals in Detention when they hired more people, estimated costs.
Appreciate the Minutes and we will send tentative costs.

ARTICLE I LAW ENFORCEMENT

- Monte Gibson Law Enforcement Issues/complaints

CRIMINAL INVESTIGATOR:

19 Applicants
101630 backgrounds
632 background checks (Daycare)

ADJOURNMENT:


The meeting was adjourned at 4:20 p.m.

CERTIFICATION

Dated this 23 day of March, 2005.

ATTEST:


Britnee J. Fox/Committee Secretary


Mervin Packineau-Chairman of Judicial
Committee