



THREE AFFILIATED TRIBES
JUDICIAL/DRUG & ALCOHOL COMMITTEE
No. 05-09-MP
OCTOBER 25, 2005

CALL TO ORDER:

Committee Chairman, Councilman Mervin Packineau opened the meeting at 2:00 p.m.

ROLL CALL:

Members present: Committee Chairman, Councilman Mervin Packineau, Councilman Daylon Spotted Bear, Councilman Frank Whitecalfe, and Councilman Nathan Hale.

01. **APPROVAL OF THE AGENDA:**

Councilman moved for approval of the agenda as amended. Councilman seconded the motion.

VOTE:

02. **LAW ENFORCEMENT:**

Delores White remarks are listed:

- Response time needs to be improved
- No response from Chief of Police Frank Felix
- If we call 911 in McLean County 911 will send a response to New Town
- We need a dispatcher in White Shield
- What does it take to have a police officer available for 7 days a week

Officer Jeff White responded to questions and comments:

- Officer in White Shield has days off Wednesday and Thursday because of the limitations on overtime due to the shortage of manpower workload up here, and money does make a difference. Office Foote responds to Parshall when needed Tribal Cops Fast grants come closer to the end- We're short nine officers whose funding will end the end of this month.
- Although I never seen a budget I was told it would be for 6 officers, and then we have to work on the vehicles.

Councilman Hale questions and comments:

- Regarding cross deputizing county officers, Bureau of Indian Affairs, and Tribal Police officers. County Sheriffs have asked the Bureau if they wanted them to come down and help with the paperwork. Frank Felix and Elmer Four Dance District Manager, helped develop it when cross-deputized before. States Attorney has to get together with the Tribe
- Parshall Officers - two guys going - Fort Berthold Housing Authority pays up to \$10,000 salary for hiring Security Officers
- There was an incident at one of the schools regarding a student having out of control behavior yesterday. The Police came but didn't have a vehicle to

transport the student for the officer's safety, nothing could be done. Response time for officers 45 minutes to one hour, who just took pictures and left. The community could have done that. We've waited for an officer for three days.

- Social Service never responds to incidents and the membership experience the same hopelessness. The Committee has asked Frank Felix to come up with a plan and if he can't come up with numbers how the tribes can could help him. Twin Buttes need a dispatcher also because of its remoteness. Councilman Mervin Packineau will send a letter to Chief Police Felix reminding him to come up with a mandatory plan.

Delores White comments and questions:

- You sit there and come up with incidents and talking about money, talking about lives, let's get meth out of our communities. Police Officers have to be visible and the community needs to be involved. This isn't the first time; we had a murder in White Shield. Some how-someway we need to find money to fund the law enforcement. Tribe should quit funding requests for grants and donations and use that money to hire tribal police officers and to purchase police cars.
- Mervin Packineau: The SYDES Project raised funds and received matching funds and is purchasing a drug dog. We need a Weapons Ordinance- people should not be able to possess firearms while intoxicated. Draw something up and have a clause prohibiting offensive weapons on the reservation.
- Councilman White comments: Who would be the instructor to certify a weapons and the question is on sovereignty and liability. Everything falls back on an instructor; you have to find someone who wants to be responsibility for liability. We need to request that Frank to bring back a plan.. Pretty information. Police Officers schedules. The Law Enforcement promised the community to post the police officer schedules. The people in White Shield need not call my house, but to have awareness to call 911, who in return will call New Town. We used to have business cards with the local police number on it including the 800 number on it. Prevention and awareness needs to teach to the public to stay away from a crime scene and awareness points... that would be helpful to the police. It was reported that the guy who murdered the tribal member flashed a gun earlier in the day in the Roseglan Bar, but the tribe didn't have a Weapon Ordinances and if they did, would it apply to the non-member. It's been said that we don't have any laws on the reservation.

03. DOMESTIC VIOLENCE INTERVENTION:

- Domestic Violence has to have out-reach once a week, or a least once a month. I have helped five ladies out and called the necessary people and I was the-- to help these people and to get out and do their job prevention, it's going to click, its going to be a cycle. The new domestic violence code addresses stalking. The Board of Directors needs to be separate from the Tribe. Each one of our boards has one appointee from the councilman from that area. The program

receives money on behalf of the tribe. When White Shield had that suicide, they didn't have counselors involved which were necessary for the community.

04. TRIBAL ROADS SIGNS AND LINES ON PAVEMENT:

Another important thing is to have the lines drawn on our tribal roads. When my Dad worked on the roads, he made sure that the signs were up. The yellow lines and white lines on the pavement are very important especially in the wintertime. It is the responsibility of the Roads Department who has a contract out there and there are no signs put up that say, "Entering the reservation." Trucks were going through there 50 miles per hour because there was no speed monitoring signs put up. I believe that Twin Buttes are the only ones that have them. Doyle Bell will be directed to put the signs up and make sure the lines are painted.

05. RIDE ALONG POLICY-MINA CROWS BREAST/DENISE CROWS BREAST:

Mina Crows Breast alleging police brutality when her daughter Denise was arrested on Sunday morning. Denise informed her mother that a former officer, "Robert Bird Bear" was riding with the officer and when she was arrested, he tackled her to the ground; she called the next day and said she wanted to go to Stanley, North Dakota. Mina also said, there is inadequate law enforcement coverage in Parshall when they're needed.

Jeff White responded, "Law Enforcement has a policy that allows people to ride along with the officers, but they cannot place anyone under arrest." The lady did kick Robert while he was trying to detain him, and police officer, Matt told him to detain her until the police got there. Matt arrived and placed her under arrest. What's going to be done about this guy? If he was fired before, why was he allowed to participate in the "Ride Along Project? Why did he grab the lady and throw her on the floor. Mina also talked to the Corrections Officer that placed her on the floor at the jail. The Police Officer told me that the Ride Along did not leave the vehicle. When he interviewed Denise she said that she was going to kick Robert in the head. Mother is going to take this complaint to Aberdeen and see that the complaint gets forwarded to the superiors.

There was a guy on the roof and they were sending Casey Hall. I called her and said not to come. This guy was sitting on the roof of my house, cussing and hollering around. I called the police and they said that Casey Hall would be coming from New Town to answer my call. There was a bad snow storm with many of the roads closed. So, I called her and said not to come. It sounds like the White Shield and Parshall area need more law enforcement coverage... Is there a way to make them more visible? Adequate coverage is three policemen per segment. Office space can be provided in Parshall as we got space for them. These kids run all over and they are all drunk and walk all over the place.

Councilman Mervin Packineau was told in the early hours of September 11. Someone slashed the tires on Dennis Howling Wolf's van. Why do you want to sign a complaint when they're not going to do anything about this anyway? We don't have that kind of money. If they would take some of their GA these programs really need money. If they have to pay

Nathan: Officer you make the schedules is it because of the shortage. Reassigning District Officers because of the day shift and Parshall gets scheduled for New Town. Our police officers are placed somewhere else when they should be in segments. We designated a walking shield home for a police officer in the Mandaree area. Cops Fast Officers are not compensated for after hour work, and Chief Felix only works office hours. We can call in a internal investigator because of this incident.

Councilman Hale moved for approval to direct the legal counsel to draft a letter to Captain Felix recommending that Robert Bird Bear is not allowed to participate in the Ride Along Project until the allegation of rough treatment is investigated.

Councilman Spotted Bear seconded the motion.

DISCUSSION: Richard Mayer was directed to follow-up with the police report request from Mina Crows Breast and see that she is given a copy. She said, "I will need the report when I go to Aberdeen, South Dakota, this coming week to register a complaint.

VOTE: 4 Ayes. Motion carried.

06. MOTION: CONVENTIONAL LANDLORD WAIVER:

Councilman Whitecalfe moved for approval of a conventional waiver that Clinton Wolf needs to get funding for his modular home. Councilman Spotted Bear seconded the motion.

VOTE: 4 Ayes. Motion carried.

07. ADOPTION OF TRIBAL TAX ON THE SALE OF ALCOHOL:

Councilman Whitecalfe moved for approval of the Adoption of Tribal Tax on the Sale of Alcohol. Councilman Spotted Bear seconded the motion.

DISCUSSION: Impose an Alcohol Tax and Cigarette taxes. Draw something up in the form Casino and Convenience stores on Reservation. Start with an even rate of percentages. Check with the Marina and Casino to see how much revenue it should rate. The proceeds should be donated to the programs that need it. i.e. Law enforcement, Circle of Life, Resource Center. A Special assessment that Tribal Court receives is very reluctant to add that to the court fees to put it back into programs to help alleviate costs. State of North Dakota Tax Agreement. John Warner would like to address issues and come up with alternative rates, with the

Tribe establishing a State rate of 7% and bring back with Resolution and a Tax Ordinance for the full Council's review. Put it under Legal.

VOTE: 3 Ayes. Motion carried.

08. SEX OFFENDERS REGISTRATION AND NOTIFICATION LAW:

Councilman Whitecalfe moved for approval to recommend to the full council passage of a Resolution entitled, "Sex Offender Registration Notification." Councilman Spotted Bear seconded the motion.

VOTE: 4 Ayes. Motion carried.

09. MOTION-TRIBAL DRUG CODE:

Councilman Spotted Bear moved for approval to allow Legal Counsel, Jennifer Fyten to begin revising the current Tribal Drug Code and to include people that are interested in developing a comprehensive drug code. Councilman Whitecalfe seconded the motion.

VOTE: 4 Ayes. Motion carried.

10. TRIBAL ALCOHOL & DRUG EMPLOYMENT ENFORCEMENT

Informal

11. JUVENILE DELINQUENCY COMPLAINT VICTORIA- KERZEMAN MANDAN:

- Gang related incidents
- No consequences for juvenile delinquency
- Justice Center will not take juveniles when they are intoxicated.
The Dr. on call determines if the juvenile is okay to leave in the center.
- Gang activity going on as these boys
- Juvenile Task Force meetings facilitated by Jennifer Fyten and Norma Baker. Circle of Life Juvenile Issue.
- Social Service is amenable to pay placement costs when this individual is sent to Correctional Center if the Juvenile Officer would come up with a plan

12. TRIBAL PROSECUTOR:

- Shouldn't be bringing up Juvenile names not a closed session
- Sanctions don't deter any
- Eliminate Informal Adjustment from Code
- Strict liability for parents

- Haven't as a court systems, System totally broken
- Juvenile Complaints are made informally
- Twenty or More Parents being charged with contributing
- Juveniles say, go ahead and arrest me, because you're just going to have to take me home again.
- Vandalism Its getting worse
- Identifying
- Bill Woods get together with Jim Johnson and take out some of the Juvenile codes that were modeled from the Juvenile State Code. Update the Juvenile Code Leonika Charging to redo the Juvenile Code for Delinquency Code.
- Doesn't fit Manpower Court system change the process! Juvenile based on prior court experience.
- Levels of sanctioning Informal Adjustments have absolutely no affect on them
- For public safety, certain kids need to be placed in Juvenile Centers.

The Juveniles have too much power. Basically we wanted to bring this to your attention, that it is probably happening in other segment; and it's such a broad group. Circle of Life, and the Syde Project, is working on the effects of Meth use on our reservation. They may have to combine the two programs to help extinguish drugs affecting Fort Berthold. We need s task force of Social Service, Tribal Court Juvenile consisting of Jim Johnson and Bill Woods to work on the project.

MOTION:

Councilman Hale moved for approval to recommend that the "Informal Adjustment/Process" be taken out of the Juvenile Code and for Jennifer Fyten to work with the consultant who is updating the code. Councilman Whitecalfe seconded the motion.

VOTE: 4 Ayes. Motion carried.

13. **MINA CROWS BREAST:**

Her son was charged and pled guilty to the offense of underage consumption, but didn't know what he was admitting to as there was no public defender to explain what the ramifications would be. One of the biggest concerns heard at the public hearings was that the membership wanted a public defender.

Judge Berryhill responded with, "Initially there was a public defender but the only time that he was used was when someone was looking at jail time. You would have to fill out a form requesting this support."

MOTION: PUBLIC DEFENDER:

Councilman Hale moved for approval to have the Legal counsel research for grants to fund a Public Defender and put together the costs and details for council review. Councilman Whitecalfe seconded the motion.

VOTE: 4 Ayes. Motion carried.

14. JUDGE'S EVALUATION:

The team has been selected to conduct an evaluation on Judge Conklin's performance and knowledge of the codes. The form is ready that Tony and Mark can use. The In-house legal is going to do the evaluation on her day to day activities. Tom Frederick's already submitted his form and we're just waiting for Tom Disselhorst.

16. POLICE OFFICER TWIN BUTTES:

Councilman Whitecalfe moved for approval to give Daylon authority to direct Chief of Police, Frank Felix to transfer Officer, Troy White Owl him to a different segment, preferably to White Shield or to lay him off. Councilman Hale seconded the motion.

VOTE: 3 Ayes. Motion carried.

17. ADJOURNMENT:

5:09 P.M.

CERTIFICATION

Dated this 8 day of Feb, 2008.

ATTEST:


Brinees J. Fox/Committee Secretary


Mervin Packineau-Chairman of Judicial Committee

