



**RESOLUTION OF THE GOVERNING BODY OF THE
THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD INDIAN RESERVATION**

A Resolution Entitled, “Amending the Fox Justice Center Inmate Early Release Program and Performance Criteria Standards, previously approved in Resolution 05-141-NH, which Authorized the Implementation of an Early Release Program for Good Behavior and Emergency Capacity for Inmates Incarcerated in the Tribal Detention Facilities.”

WHEREAS, The Mandan Hidatsa Arikara Nation, also known as the Three Affiliated Tribes (“MHA Nation” or “Tribes”), having accepted the Indian Reorganization Act of June 18, 1934, the authority under said Act, and having adopted a Constitution and By-laws (the Constitution) under said Act, and

WHEREAS, Pursuant to Article III, Section 1 of the Constitution, the Tribal Business Council is the governing body of the MHA Nation; and

WHEREAS, The Constitution authorizes and empower the Tribal Business Council to engage in activities on behalf of and in the interests of the welfare and benefit of the MHA Nation and of the enrolled members thereof; and

WHEREAS, Pursuant to Article VI, Section 5(l) of the Constitution, the Tribal Business Council has the power to adopt Resolutions regulating the procedures of the Tribal Business Council, its agencies and officials; and

WHEREAS, The Tribes own and operate the Gerald “Tex” Fox Justice Center, pursuant to a P.L. 93-638 Contract with the Bureau of Indian Affairs, and said Justice Center is managed by an Adult Administrator and Juvenile Administrator; and

WHEREAS, Pursuant to Resolution 05-141-NH, the Tribal Business Council acknowledged previously delegated oversight authority of the Justice Center to the Tribes’ Judicial Committee, which includes the authority to approve policies for the Justice Center; and

WHEREAS, Pursuant to Resolution 05-141-NH, the Tribes codified “Authorization for an Early Release Program for Adjudicated or Sentenced Inmates Detained in Tribal Detention Facilities” which authorizes the establishment of Early Release Programs at Tribal Detention Facilities upon submission of written plans, and which also sets forth baseline standards for early release such as emergency capacity and inmate good behavior; and

WHEREAS, Pursuant to Resolution 05-141-NH, the Tribal Business Council also approved the development, implementation and authorization of a “Fox Justice Center



Inmate Early Release Program and Performance Criteria” which sets forth further early release criteria at the Fox Justice Center; and

WHEREAS, The “Fox Justice Center Inmate Early Release Program and Performance Criteria Standards,” however, focus on criteria of early release and are not clear as to who has the ultimate authority and responsibility to determine those who meet the criteria for early release and under what circumstances the criteria are met; and

WHEREAS, The Tribe’s Public Safety Administrator (or “PSA”) seeks to define who has the ultimate authority and responsibility to make a decision for early release, in accordance with the standards set forth in Tribal law; and

WHEREAS, The PSA has proposed that all early releases as defined in Resolution 05-141-NH be determined only on agreement between the following and their execution of early release paperwork for the subject inmate: (1) a Tribal Judge, and (2) the Tribe’s Lead Criminal Prosecutor, and (3) either the Adult Corrections Director or Public Safety Administrator; and

WHEREAS, The Tribal Business Council has considered the above proposed policy and procedure overall for all current and future Tribal detention facilities.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Business Council of the Three Affiliated Tribes hereby approves and authorizes that all early releases as defined in Resolution 051-141-NH shall be determined only on agreement between the following and their execution of early release paperwork for the subject detainee: (1) a Tribal Judge, and (2) the Tribe’s Lead Criminal Prosecutor, and either (3) the Adult Corrections Director or Public Safety Administrator; and

BE IT FURTHER RESOLVED, that the Tribal Business Council also approves and authorizes that the aforementioned policy and procedure be incorporated into the current “Fox Justice Center Early Release Program and Performance Criteria Standards;” and

BE IT FINALLY RESOLVED that the Tribal Chairman is authorized to execute any documents and take such action as is necessary to carry out the terms and intent of this Resolution.

<SIGNATURE PAGE TO FOLLOW>




CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 8th day of February, 2023, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

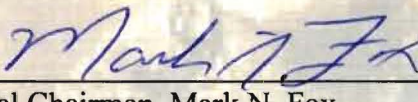
Chairman [X] Voting. [] Not Voting.

Dated this 8th day of February, 2023.

ATTEST:



Tribal Secretary, Fred W. Fox
Tribal Business Council
Three Affiliated Tribes



Tribal Chairman, Mark N. Fox
Tribal Business Council
Three Affiliated Tribes

