

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

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

WHEREAS, Article VI, Section 5(d) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to advise and consult with representatives of the Interior Department on all activities of that Department that may affect the Fort Berthold Reservation; and

WHEREAS, The provisions in 25 Code of Federal Regulations (CFR) Part 12 (Indian Country Law Enforcement) became effective on May 2, 1997; and

WHEREAS, 25 CFR § 12.22 provides as follows:

"BIA officers will enforce tribal laws only with the permission of the tribe. Local programs are encouraged to make arrangements and agreements with local jurisdictions to facilitate law enforcement objectives."

and

WHEREAS, The Bureau of Indian Affairs (BIA) Branch of Law Enforcement Services implements the law enforcement services program by utilizing appropriate rules, regulations, and Tribal laws within the exterior boundaries of the Fort Berthold Reservation; and

WHEREAS, The Three Affiliated Tribes, through the Department of Justice COPS FAST Phase I and COPS UNIVERSAL HIRING Phase II of the 1994 Crime Bill, have acquired funds to hire Tribal police officers, due to the restricted budget of the BIA, the shortage of manpower caused by a Reduction in Force (RIF), and an increase in criminal activities among adults and gang activities among both juveniles and adults; and

WHEREAS, The BIA and Tribal police officers coordinate activities with other BIA, tribal, State, county, municipal, and federal officers to protect Tribal members, city

- A. 25 Code of Federal Regulations Parts 11, 12, & 13.
- B. 25 United States Code §§ 2, 9, 13, & 200.

III. Authorities. All authorities to be utilized are listed as follows:

The TAT, a participant in the COPS FAST grant program for Phase One and COPS UNIVERSAL HIRING for Phase Two of the 1994 Crime Bill from the Department of Justice, has taken the initiative to hire tribal police officers to protect its members, residents, and general public and to assist in maintaining a professional law enforcement services program.

The TAT integrates and coordinates with BIA, tribal, State, city, and other federal and private resources for the protection of its sovereignty.

The objectives of this MOU are to provide procedural guidelines for the implementation of the law enforcement services program by utilizing the appropriate rules, regulations, tribal laws and ordinances, and by jointly coordinating all law enforcement activities.

I. Purpose. This Memorandum of Understanding (MOU) is between the Three Affiliated Tribes, through the governing body of said Tribes, hereinafter referred to as the TAT, and the Bureau of Indian Affairs, government agency with administrative jurisdiction, hereinafter referred to as the BIA. The purpose of the MOU is to operate, conduct, and provide an efficient and professional law enforcement services program for all members of the Three Affiliated Tribes, members of other federally recognized Indian tribes, residents of communities and cities, and the general public within the exterior boundaries of the Fort Berthold Indian Reservation. The Three Affiliated Tribes and Bureau of Indian Affairs will coordinate all activities and provide assistance to neighboring jurisdictions.

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE THREE AFFILIATED TRIBES  
AND THE BUREAU OF INDIAN AFFAIRS  
FOR LAW ENFORCEMENT SERVICES PROGRAM  
WITHIN THE EXTERIOR BOUNDARIES OF THE  
FORT BERTHOLD INDIAN RESERVATION

- C. 5 United States Code § 301.
- D. All applicable tribal resolutions and ordinances.
- E. All applicable provisions in the Three Affiliated Tribes Tribal Code.
- F. All other applicable laws, regulations, resolutions, ordinances, and notices enacted after the effective date of this MOU.

IV. Procedures. These procedures will outline the requirements and duties of the BIA and TAT police officers. Each party has certain responsibilities to ensure compliance with applicable laws, regulations, policies, and procedures of the TAT and BIA offices.

1. BIA will:

- a. Provide technical assistance through the Captain of Police and the Lead Police Officer and ensure that the chain of command will be strictly complied with by each party to prevent fragmented supervision.
- b. Provide technical assistance to the TAT in the development of supplemental tribal personnel policies and procedures for application to tribal police officers and in the development of day-to-day work assignments with the tribal representative's cooperation.
- c. Prepare monthly work schedules in conjunction with the tribal representative for all police officers.
- d. Provide technical guidance to assure continuity in law enforcement activities and administrative responsibilities in cooperation with the TAT.
- e. Provide on-the-job training and in-house training sessions relating to rules and regulations for all police officers by preparing a training schedule in conjunction with the tribal representative.
- f. Coordinate activities for enrolling new tribal police officers in training at the North Dakota State Training Academy in Bismarck, North Dakota within one (1) year from date of selection or upon available openings, whichever is earlier.
- g. Assume exclusive liability for BIA police officers.
- h. Provide training and certification for all tribal police officers in firearms safety on a semi-annual basis.

2. TAT will:

- a. Provide one (1) vehicle and maintenance costs for each of the following segments of the Reservation: Mandaree, White Shield, Four Bears, Parshall, and Twin Buttes.
- b. Provide uniforms, equipment, ammunition, guns, and training/travel expenses for tribal police officers.
- c. Require all tribal police officers to possess a valid North Dakota State drivers license.
- d. Provide that two (2) tribal police officers are stationed in each of the following segments of the Reservation: Mandaree, White Shield, Four Bears, Parshall, and Twin Buttes.
- e. Require that tribal police officers work weekends, holidays, and night shifts, as needed, and provide reasonable compensation for any such time actually worked.
- f. Be responsible for administering the grant through the Tribal Finance Office and/or a tribal representative designated by the Tribal Business Council.
- g. Be responsible for all hiring of tribal police officers utilizing the Tribal Personnel Policies and Procedures and minimum law enforcement hiring standards, including background investigations, and be responsible for the termination of employment of any tribal police officer, when justified.
- h. Work with the BIA in the development of supplemental tribal personnel policies and procedures for application to tribal police officers.
- i. Make arrangements with local vendors to purchase fuel for patrol cars utilized by tribal police officers.
- j. Provide insurance and maintenance on patrol cars utilized by tribal police officers.
- k. Allow tribal police officers to assist BIA, federal, State, city, and county officers during emergency situations, when assistance is required in other areas of the Reservation, or in the absence of BIA officers.
- l. Assume exclusive liability for tribal police officers to the extent provided by any applicable and controlling Tribal or federal law.


V. General Provisions

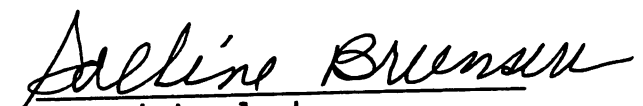
- A. Term of Agreement. The term of this MOU shall run through the period during which funding for the program is available, unless otherwise cancelled in accordance with subsection E below.
- B. Periodic Review. The parties shall review this MOU on at least a semi-annual basis to assure its adequacy, effectiveness, and continuing need.
- C. Amendment. Either party may propose changes to this MOU during its term. Any change shall be in the form of an amendment which will not take effect until both parties have executed the amendment. Each amendment proposed by a party shall be reviewed by the other party within thirty (30) days after receipt of the proposed amendment.
- D. Renewal. If the parties agree that there is a continuing need for an MOU, this MOU may be renewed before its expiration in the form of a new MOU with any agreed-to changes.
- E. Cancellation. This MOU may be cancelled at any time during its term either by mutual consent of the parties or by one party providing to the other party thirty (30)-day written notice of intent to cancel.

Nothing in this MOU shall be construed to cede any jurisdiction of either party, to waive any immunities, or to modify the legal requirements for arrest or search and seizure.

The provisions of this MOU are severable and should any provision(s) be held invalid, the remainder of the MOU shall remain in effect.

Dated this 17<sup>th</sup> day of JUNE, 1997.

  
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Chairman  
Three Affiliated Tribes  
Fort Berthold Reservation

  
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Superintendent  
Fort Berthold Agency  
Bureau of Indian Affairs

residents, and the general public within the exterior boundaries of the Reservation, in maintaining a professional law enforcement program, providing assistance to neighboring jurisdictions, and operating detention programs and facilities;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and requests that the Bureau of Indian Affairs Branch of Law Enforcement Services (Fort Berthold Agency) enforce all laws of the Three Affiliated Tribes, effective currently and in the future, which are designed and intended to be enforced by law enforcement authorities.

BE IT FURTHER RESOLVED, That the Tribal Business Council will work in conjunction with the Bureau of Indian Affairs in developing intergovernmental agreements to assure the enforcement of Tribal laws, the protection of all citizens, and the maintenance of a professional law enforcement services program within the exterior boundaries of the Fort Berthold Reservation.


C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 17<sup>th</sup> day of June, 1997; that the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 17<sup>th</sup> day of June, 1997.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

  
Chairman, Tribal Business Council