



CALL TO ORDER:

Councilwoman V. Judy Brugh called the meeting to order at 1:30 PM.

I. ROLL CALL:

Present: Councilwoman Monica Mayer, Councilwoman V. Judy Brugh, & Councilman Fred Fox. *Quorum established.*

FTR: Councilwoman Sherry Turner-Lone Fight joined the meeting at 1:32PM.

II. APPROVAL OF AGENDA:

Motion: Councilwoman Monica Mayer moved to approve the agenda. Councilman Fred Fox seconded the motion. Vote: 4-0-0. Motion carried.

III. APPROVAL OF MINUTES:

- **5/6/2021 Judicial Committee Minutes.**

Item deferred.

IV. PROGRAM UPDATES:

A. Public Safety Division of Drug Enforcement

Report submitted for the record of recent arrests, investigations and collaborations. Councilwoman Monica Mayer would like to ask questions in Closed Session.

B. Department of Transportation (DOT)– Blaine Flynn, Director

Report submitted for the record. Looking at possible options for a Business Email due to recent shortage. MHA Department of Transportation currently has (2) Positions open: Licensing Assistant, and Office Assistant.

C. TAT Tribal Court – Chief Judge David Christenson & Dr. Elizabeth Yellow Bird, Interim Court Administrator

Report submitted for the record. Status of May Priorities - (1) Continue to provide services to MHA nation and public with consideration given to COVID protocol 2) FBDC has 33 full time staff (4 are under contract); 2 Adult Probation officers have been hired, 1 bailiff has been hired, 1 clerk has been hired, 1 magistrate judge has been hired temporarily, the coordinator of Wellness Court position has been hired temporarily and the 1 bailiff position has been re-advertised. Priorities for May- Our primary goal is to provide services to the people of the community and to protect the health of the judges, court staff, and litigants the best way we can. The Court continues to work on getting a fulltime maintenance person for the Court building. In the meantime, Representative Spotted Bear recommended the CTS company; to date the front doors have been fixed and insulators have been installed. The CTS company



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[CLOSED SESSION CONTENT EXCLUDED]

is working on the panic buttons, the lighting in the lobby area and the back door. Mr. Gapinski said they will be working off the 10-page architects field report and trying to take care of all the items on the report. The Wellness Court continues as a priority and is evolving with some changes and updates. The Wellness Court staffing 's will be on Thursday 's, and the docket will be held after that. We are planning a meeting with the Elders board this month after we receive the TBC appointees. Kelly and Verdell are working great and have some new ideas for the Wellness Court. Judge Gwin has been doing a wonderful job as the judge and working with the juveniles. The Court continues to address COVID 19 epidemic by screening at the entry for all public and staff who work in the building, face covering for everyone and regular cleaning and sanitizing this facility and practicing social distancing. We continue the " clean-up of the Court files " as well as finishing up filing the boxes of documents from the old court building. This has been a priority and hopefully we will get this finished by this summer. We have a pod in the back area where we will be storing all old files and documents. The Court plans on utilizing " imaging" application through Full Court and should have all the files digitized within the next year. We are planning on on-site training/support sometime in the next month, but are waiting on the final contract with Justice Systems. The Court continues to work on our own Policies and Procedures Manual. A draft has been completed and is being sent to the Justice Commission for review and approval. We are including all the updated forms the court uses in the manual and on our website. The Court continues to address the Tribal Codes by working with the Justice Commission and the TBC legal department. The next Justice Commission meeting will be June 18th and the Commission plans on meeting here in the Court on site. Due to *Junteenth* the meeting was cancelled. Another priority is that we are scheduling jury trials, as of today we have scheduled 9 jury trials. Accomplishments: The Court continues to utilized the Native American Fathers and Families Association (NAFF A) for sessions with the Juveniles. This is an excellent program and has benefitted the students thus far; adults can also attend these sessions. The Court will continue the mandatory sessions, and, will participate in training June 28th to July 2nd. We are not sure about the cost but are working with them on this. We want to train our own people to be able to provide the sessions, so far Judge Gwin, Verdell Thunderhorse and Chad Moran will be trained. The Court continues to meet once per month with the Justice Center, PD and the Court to review any issues, we are calling this group the Public Safety sessions. These have been very good meetings and lets all departments know any issues or concerns and updates. The most recent issue was that " if someone is arrested and is not enrolled, but the parents are enrolled, the subject is eligible for enrollment and can be arrested and jailed". We also discussed that we are still having some issues with medical clearance. We will be meeting on June 29th to develop a plan for the youth including statistics that will provide evidence of the need for more youth programs and services. The Court is setting up a meeting with the Police department to develop a training plan for the new probation officers and the bailiffs. The Police Chief has agreed to meet with the Adult and Juvenile Probation officers and Bailiffs to do training by the Police instead of hiring outside people. The Court will be participating in the Wellness Conference on



June 22rd and 23rd, Two of our judges have agreed to participate in one of the sessions. The Court is reviewing our budget and will be having a meeting regarding the unmet needs for the next budget period. Concerns: The Court requests to update the code citations to include all drugs on the Juvenile citation listing, i.e. adding Cocaine and Heroin. Chad is working with Police Chief Foote to get the schedule of drugs list. We are also updating and adding Elder Abuse and that it will be different from Domestic Violence which is in the citations.

D. Homeland Security – Cliff Whitman, Director

Item deferred.

E. Gerald Tex Fox Justice Center (GTFJC) Adult Detention – Danielle Goodluck Administrator

Report submitted for the record. From 5/01/2021 to 5/31/2021 at 0800 hours there were 152 inmates brought into the custody of the GTFJC. Our capacity currently 36 inmates. 94 were males and 58 were female. 91 were arrested in New Town, 21 in Four Bear, 16 in Parshall, 18 in Mandaree, 5 in White Shield and 2 in Twin Butte. 103 were under the influence of Drug and or alcohol. There were 289 charges assigned to the 152 inmates creating- an average of 1.90 charges per person.

F. Gerald Tex Fox Justice Center (GTFJC) Juvenile Detention – Mike Young Bird, Administrator

Report submitted for the record. The Gerald Tex Fox Justice Center Juvenile Correctional Facility currently staffs, 1 Lieutenant, 3 Sergeants, and 9 Correctional Officers. The Juvenile programming goal is to interact more with the adolescents and build on rehabilitation. The Juvenile Behavioral Therapist, Mrs. Jennifer Nodland-Lenning, Licensed Clinical Social Worker, Master of Social Work from the University of Nebraska has 20 years of experience working with children and families. Mrs. Nodland-Lenning provides individual and group counseling with the adolescents detained at the justice center. Mrs. Nodland-Lennings also coordinates services to Mental Health units, Drug and Alcohol Treatment programs throughout the state of North Dakota. Case Management services were provided for 12 youth for the month of May, 2021. The Gerald Tex Fox Justice Center Juvenile Corrections met with Wayne Labelle, Safety & Occupational Health Manager/USDO Bureau of Indian Affairs for the annual safety and health inspection on May 11, 2021. The Justice Center had some deficiencies, Alfred Smith; GTFJC Facility Maintenance completed the Abatement plan with corrective measures. In April we had (12) youth who received services. Six of the twelve youth that came into the Justice Center in May were booked in multiple times. We had (5) 960's filed and (1) forensic interview referral. We continue screening youth and taking daily temperature's for Covid precautions. We referred (3) youth to Summit Counseling and (2) to North Central for court ordered evaluations. We have (1) youth at DBGR in Bismarck and (1) youth at Keystone Treatment in South Dakota. We had one youth who completed treatment



at Great Plains Treatment Center. We had (10) youth test positive for marijuana, (7) alcohol, (1) buprenorphine, and (3) with fentanyl. Watching these youth come down from the fentanyl is horrible. These youth are amazing kids with huge futures ahead of them, but they don't see it. We had one youth who was so thankful for our staff just being there when he was coming down from fentanyl, he said he felt safe. My heart goes out to the Grandmas who are raising their Grand baby's with addiction issues. We continue to serve the youth and their families the best we can through these challenging times. We are seeing youth who have lost very dear family members due to the pandemic. Youth we have come through are doors are amazing youth with so much potential. The Gerald Tex Fox Justice Center Juvenile Corrections would like to request Hazard Pay do to added risks of Covid-19 exposures while on the Job. The Correctional Officers come in contact with Juveniles when they are brought to the Justice Center. The Correctional Officers have no idea where the juveniles have been, who they been with and if they are asymptomatic. The Correctional Officers take the needed precautions such as temperature checks when the juvenile arrives, quarantine from other juveniles and masking them up. The Juvenile Correctional Officers have contact with the juveniles on a consistent basis in order to meet the needs of the juveniles while they are detained. For Example, escorts within the facility, transports to and from health facilities etc. The Juvenile Correctional Officers perform their job functions to the best of their abilities under the stressful times of this Covid-19 Pandemic.

G. Child Support – Alison Johnson, Director

Report submitted for the record. Staffing- We are currently fully staffed. Monthly collections-- Total collected in May 2021 was: \$283,181.71. Tribal Court- Our next court dates are on June 23rd, and July 14th, 2021. Child Support Building- Robert White was given the task of locating a possible new building for the Child Support offices. Still waiting on any possibilities for that. TAT Child Support is still continuing to operate efficiently with getting our Child Support payments processed twice weekly as well as receiving payments regularly from clients.

H. Victim Services – Sadie Young Bird, Director

Director asked about an update on the 2018 audit. There is only a one-year extension, she cannot finish in two years. Working on codes, would like to drop the grant so it doesn't impact other grants (de-obligating). Councilman Fred Fox states there is budget meeting on July 2nd. Councilwoman Monica Mayer suggests confer with the Chairman when the budget meeting is. The CFO hasn't done audits for the past couple years. There are a lot of programs that are suffering due to audits not getting done. Would like to attend a mandatory travel for staff. Lenny Abrams states they are waiting on a contract and the audits will get done. Sadie need to gets the code reading/review, the audit is holding it up. Leonika to work on codes for victim services. Sadie will be at the TBC meeting.



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Motion: Councilman Fred Fox moved to add to the TBC agenda, funding for Victim Services. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

I. TAT Legal – Tyra Wilkinson, Supervising Attorney

Item deferred.

J. HR Department – Melissa Brady, Director

Item deferred.

K. Big Fire Law - Leonika Charging, Attorney

Leonika wanted to bring this the treatment of traditional ceremonial items under the Tribal Code to the attention of the committee. The order, one of the judges listed sacred medicine bundles on the list of property. She feels nonnative judges should not handle this. Joe Henry estate the bundle was listed. They want to take this out of the court for consideration. The court disagreed taking it off the list. Would need to get elders to testify the issue, this should be private. This should be reclassified. Leonika Would like to take this out of the probate process. Councilwoman Monica Mayer states, both these sample cases in the hand out are in North Segment. Councilwoman Monica Mayer agrees with Leonika Charging. Councilwoman Sherry Turner-Lone Fight states when they came to the cultural committee there are clans or societies that should handle issues such as this. Councilwoman V. Judy Brugh would like to review this and talk to some of her elders first. Leonika is working with Tyra Wilkinson on this. Councilwoman Monica Mayer states, a non-native judge needs to be culturally sensitive.

Motion: Councilman Fred Fox moved to forward to TBC. Councilwoman Monica Mayer seconded the motion. Vote: 4-0-0. Motion carried.

V. CLOSED SESSION:

A. TAT Law Enforcement – Marty Foote, Chief of Police

B. RFS

C. Public Safety Division of Drug Enforcement – Special Agent Dawn White

VI. ADJOURNMENT:

Motion: Councilwoman Monica Mayer moved to adjourn the meeting. Councilman Fred Fox seconded the motion. Adjourned at 3:52 PM.




CERTIFICATION

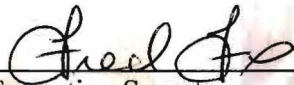
I, the undersigned, as Chairman for the Tribal Business Council's Judicial Committee of the of the Three Affiliated Tribes of the Fort Berthold Indian Reservation, hereby certify that the Tribal Business Council's Judicial Committee is composed of three [3] members of whom [2] constitute a quorum; 3 were present at the Judicial Meeting thereof duly called, noticed, convened and held on the 8th day of November, 2021; that the foregoing Minutes were duly adopted at such meeting by the affirmative vote of 3 members; 0 members opposed; 0 members abstained; 0 Members not voting.

Dated this 8th day of November, 2021.

ATTEST:



Judicial Committee Chairman,
Councilwoman V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes



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