



Little River Band of Ottawa Indians

2608 Government Center Drive

Manistee, MI 49660

(231) 723-8288

Resolution #18-0606-176

Resolution to Support the Implementation of Special Domestic Violence Criminal Jurisdiction

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, Tribal Council affirms the Little River Band of Ottawa Indians is a federally-recognized Indian tribe appearing in the most recently published list of Indian entities recognized and eligible to receive services from the United States Bureau of Indian Affairs; and

WHEREAS, on May 23, 2018, Tribal Council unanimously approved Resolution #18-0523-154 which approved the application for FY2018 Grant to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction; and

WHEREAS, Tribal Council is committed to plan, develop, implement, and exercise Special Domestic Violence Criminal Jurisdiction in its jurisdiction; and

WHEREAS, the Tribal Council is willing to request a Secretarial Election to propose amendments to the Constitution necessary to implement Special Domestic Violence Criminal Jurisdiction; and

WHEREAS, Tribal Council directs the Tribal Council Speaker, consistent with the Memorandum of Agreement, to participate in and cooperate with the planning, development, implementation, and exercise of Special Domestic Violence Criminal Jurisdiction and we authorize the Tribal Council Speaker to sign the proposed Memorandum of Agreement; and

NOW, THEREFORE, IT IS RESOLVED THAT, Tribal Council approves Speaker Riley to sign the attached Memorandum of Agreement between various employees and officials of the Tribe; and

IT IS FURTHER RESOLVED THAT, Tribal Council affirms their support for the implementation of Special Domestic Violence Criminal Jurisdiction.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSTAINING, and 0 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on June 6, 2018, at the Little River Band's Government Center in Manistee, Michigan, with a quorum being present for such vote.



Sandra Lewis, Tribal Council Recorder



Joseph Riley II, Tribal Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court
Prosecutor

LITTLE RIVER BAND OF OTTAWA INDIANS

2608 Government Center Drive
Manistee, MI 49660

MEMORANDUM OF AGREEMENT REGARDING IMPLEMENTATION OF SPECIAL DOMESTIC VIOLENCE CRIMINAL JURISDICTION

The purpose of this Memorandum of Understanding (hereinafter "MOU") is to identify, in writing, the roles and responsibilities of each person. This MOU shall remain in effect from October 1, 2018 until the close out of the Office of Violence Against Women grant to exercise special domestic violence criminal jurisdiction.

The individuals party to this agreement are as follows: Tribal Ogema Larry Romanelli, Tribal Council Speaker Joseph Riley, II, Hon. Daniel Bailey, Hon. Angela Sherigan, Prosecuting Attorney Shayne Machen, Chief of Police Robert Medacco, Staff Attorney Elise McGowan-Cuellar, Victim Advocate Program Manager Shanaviah Canales, Family Services Department Director Jason Cross, and Court Administrator Deb Miller.

Tribal Ogema

As the Tribal Ogema, I commit to the following:

- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To permit staff to work on projects associated with the exercise of special domestic violence criminal jurisdiction.
- To support the Family Services Department in their efforts to provide services to victims of domestic violence, sexual assault, stalking, and dating violence.
- Continue to provide facilities for victim advocates, law enforcement officers, and the prosecutor to carry out their duties.

Tribal Council Speaker

As the Tribal Council Speaker, I commit to the following:

- To support efforts to implement special domestic violence criminal jurisdiction including scheduling meetings with Tribal Council, to review proposed legislation, attending important meetings, and provide feedback on proposed policies and procedures.
- To allow a Tribal Council member be assigned to a taskforce or group dedicated to implementing special domestic violence criminal jurisdiction.
- To permit proposed legislation to be added to the Tribal Council meeting agenda for review and approval.

Chief Judge

As the Chief Judge Daniel Bailey, I commit to the following:

- To permit all special domestic violence criminal jurisdiction cases to be assigned to only law trained Judges.
- To assign guest law trained Judges to cases where a Tribal law trained Judge is unavailable or has a legal conflict.
- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To allow the Court staff to work on projects associated with the exercise of special domestic violence criminal jurisdiction.
- To support other Judges and the Court's staff in their efforts to prepare to exercise special domestic violence criminal jurisdiction.
- To permit the use of Court facilities and equipment by staff working to prepare to exercise special domestic violence criminal jurisdiction.

Associate Judge Angela Sherigan

- To preside over all cases involving special domestic violence criminal jurisdiction.
- To ensure that all proceedings involving special domestic violence criminal jurisdiction adhere to applicable laws and policies.
- To protect the rights of the victim and the defendant.
- To assign counsel to indigent defendants.
- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.

Prosecutor

- To commit to receive training on prosecution of cases using special domestic violence criminal jurisdiction and to provide some funding for such training.
- To protect the rights of the victim and the defendant.
- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To serve as the point of contact for outside agencies assisting with the implementation of special domestic violence criminal jurisdiction.
- To coordinate meetings with stakeholders to discuss matters related to the special domestic violence criminal jurisdiction.
- To draft changes to the Constitution, laws, policies, and procedures necessary to implement special domestic violence criminal jurisdiction.
- To provide training, in coordination with outside trainers, to train all persons involved in the criminal justice system who have a role in cases that involve special domestic violence criminal jurisdiction.
- To ensure that all proceedings involving special domestic violence criminal jurisdiction adhere to applicable laws and policies.

Chief of Police

- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To assign an Officer or myself to a taskforce or group dedicated to implementing special domestic violence criminal jurisdiction.
- Ensure my officers are properly trained to conduct domestic violence, sexual assault, and stalking cases and to provide some funding for this training.

- To allow Public Safety facilities and equipment to be used by Officers working on the implementation of special domestic violence criminal jurisdiction.
- To ensure the department has domestic violence, sexual assault, and stalking investigation policies that protect the safety of the victim.
- To work with outside law enforcement agencies who may assist in domestic violence, sexual assault, and stalking investigations.
- To serve as a point of contact for outside law enforcement agencies.

Staff Attorney

- To draft changes to the Constitution, laws, policies, and procedures necessary to implement special domestic violence criminal jurisdiction.
- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To work with Tribal Council to pass proposed legislation necessary to implement special domestic violence criminal jurisdiction.

Victim Advocate

- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To adhere to the Tribal Victim's Bill of Rights.
- To advocate for the best interest and safety of my clients.
- To adhere to my departments' policies and procedures regarding the handling of domestic violence, sexual assault, dating violence, and stalking cases.
- To protect the confidentiality of the victim in accordance with the Victims' Bill of Rights, the Tribal Domestic Violence Ordinance, as amended and other applicable laws.

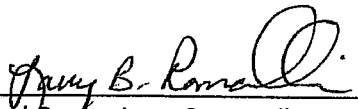
Family Services Department Director

- To support efforts to implement special domestic violence criminal jurisdiction including attending important meetings and providing feedback on proposed policies and procedures.
- To adhere to my departments' policies and procedures regarding the handling of domestic violence, sexual assault, and stalking cases.
- To protect the confidentiality of the victim in accordance with the Victims' Bill of Rights, the Tribal Domestic Violence Ordinance, as amended and other applicable laws.

Court Administrator

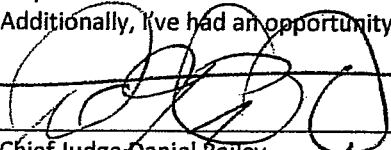
- To ensure that all proceedings involving special domestic violence criminal jurisdiction adhere to applicable laws and policies.
- To assign all special domestic violence criminal jurisdiction to a law trained judge.

By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance will all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.

A handwritten signature in black ink, appearing to read "Larry B. Romanelli", written over a horizontal line.

Tribal Ogema Larry Romanelli


By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance with all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.



Chief Judge Daniel Bailey

6/4/18

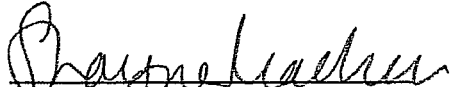
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Tribal Council Speaker Joseph Riley, II

By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance will all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.


Associate Judge Angela Sherigan

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Prosecutor Shayne Machen

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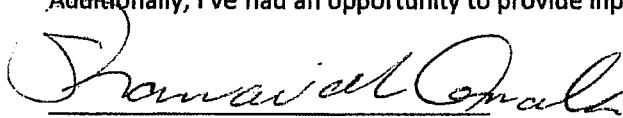
A handwritten signature in black ink, appearing to be 'R. Medacco', written over a horizontal line.

Chief of Police Robert Medacco

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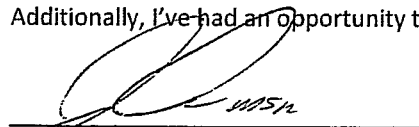
Elise McGowan-Cuellar 6/1/2018
Staff Attorney Elise McGowan-Cuellar

By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance will all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.

A handwritten signature in black ink, appearing to read "Shanaviah Canales". The signature is written in a cursive style with a large initial 'S'.

Victim Advocate Shanaviah Canales

By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance will all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.

A handwritten signature in black ink, appearing to read "J. Cross", is written over a horizontal line.

Family Service Department Director Jason Cross

By signing below, I agree I will provide my best efforts to ensure my above mentioned roles and responsibilities are carried out in accordance will all applicable laws, policies, procedures, and this MOU. Additionally, I've had an opportunity to provide input on the project narrative and project budget.

Deborah Miller
Court Administrator Deb Miller