

## Assistant Police Chief Chosen

# Police and Court Personnel Shuffled For Stronger Community Services

By Sandy Rangila

In the interest of providing more effective services to the community, a personnel and departmental shuffle involving the police department, the municipal branch and the Tribal Court was approved in late July.

Municipal Manager Rudy Clements announced that Dick Montee has been appointed to the newly created position of Assistant Police Chief, and that Small Fire Hawk has assumed the position of Juvenile Service Head.

Clements also reported that the two advocates, John Allen and Daisy Ike, have been switched from the Tribal Court to the Municipal Branch. The separation of the advocates from the Tribal Court was felt necessary to avoid possible conflict of interest arising from the difference in their functions.

"For the benefit of the individuals facing the court, there was a need for a more strengthened adversary role that advo-

cate have to play," said Clements. He explained that since the police department and the Tribal Court work closely together, the relationship of the advocates to the Tribal Court had to be changed for the sake of credibility and in the interest of the clients.

Although the advocates are now in the municipal branch, Clayton Earl of the BIA has been requested to act as their supervisor, Clements added. He indicated that since the police department reports to him, it would be a bit ticklish to also have the advocates directly under his supervision.

Also announced was the addition of a tribal prosecutor, a position recently filled by

Brenda Lee. (See separate story) The prosecutor position has been assigned to the municipal branch and will be under the supervision of Clements.

### Police Department Changes

Enforcement responsibilities have grown rapidly over the past several years, and in an effort to keep pace with the needs of the community the position of an assistant police chief has been approved. Dick Montee was selected for the job because he was the most qualified, according to Police Chief Jeff Sanders. Montee has five years experience as an FBI Agent and an additional five-years experience as a special investigator with the BIA.

Sanders views the shuffle in an optimistic light since it will

free him to concentrate more on program goals, long-range planning and forecasting. Since the assistant police chief will relieve him of much of the on-going day-to-day activities, the chief will be able to devote more time to improving the quality of law enforcement on the reservation.

He feels that the police department will be in a better position to work on program goals, meet management objectives, and operate more effectively and efficiently. In the area of improving services to the community, Sanders plans to focus more attention upon "lateral communication" with other related programs within the tribal organization such as the alcohol and drug program, the Tribal Court, and fire and

safety programs.

Prior to the hiring of the assistant police chief, Sanders says he felt like he was "running around putting out spot fires". He had to try to handle one crisis situation after another without enough time to develop the overall program so it would function on a consistently high standard.

"We are emphasizing training and upgrading, making more demands of department personnel," said Sanders. He anticipates more "departmental realignment", upgrading, and lateral transfers will be coming up.

Sanders explained that the police department is now in the process of realigning to meet the needs pointed out in several evaluations made by independent organizations. A unique aspect of the department's growing responsibilities includes federal, state, county, and tribal law enforcement duties.

## Prosecutor Brings New Image To Tribal Court

by Cynthia Stowell

The creation of a prosecutor's office is one way in which the Tribal Court is changing its image and moving closer to compliance with the 1968 Indian Civil Rights Act. Helping to shape that office is Brenda Lee, the Tribes' first prosecuting "attorney."

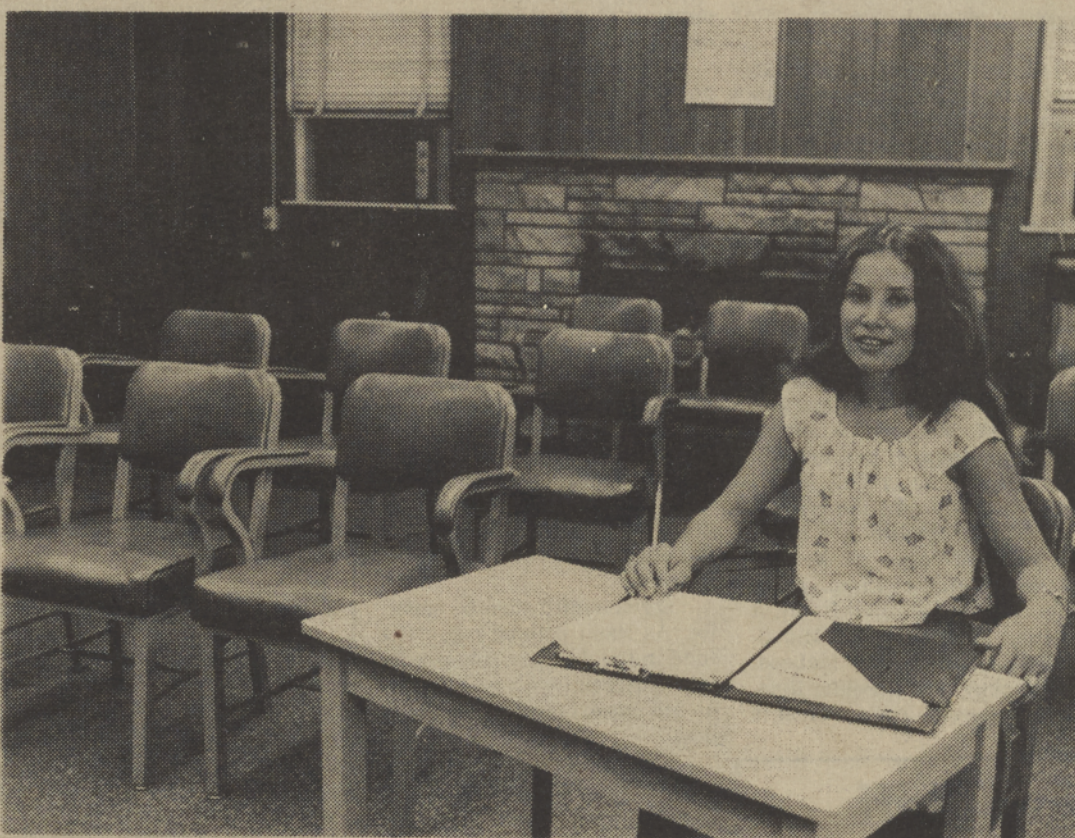
Not an actual attorney but a product of the American Indian Lawyer Training Program's advocacy project, Brenda, 25, came to Warm Springs from the Cheyenne River (S.D.) Tribal Court where she also developed a prosecutor's office.

As prosecutor, Brenda represents the Confederated Tribes in all criminal cases heard in the Tribal Court, including such misdemeanors as driving while under the influence, assault and battery, and minor in possession. Felonies are processed in federal court off the reservation and all civil cases are handled by the advocates, Daisy Ike and Johnny Allen.

When a complaint or a police report comes in, Brenda screens it and if there are sufficient grounds for criminal proceedings she files and signs an official complaint. She attends arraignments and when the plea is "not guilty" she prepares the case for trial.

Trial preparation involves such research as interviewing witnesses and reviewing doctors' or social workers' reports. The prosecutor can also perform presentence investigations and recommend sentencing.

Since the prosecutor and the advocates are officers and not personnel of the court, their positions have been placed outside the court in the Municipal Branch. Brenda's salary, however, is being paid primarily by AILTP, until the 1979 budget is in effect. The one-woman department is expected to grow in



COURT CHANGE - New prosecutor Brenda Lee waited in the courtroom for a trial to begin. She represents The Confederated Tribes in criminal cases. CDS Photo

the next five years to include an assistant prosecutor, investigator and secretary.

The addition of a prosecutor's office has relieved the chief judge of all pre-trial responsibilities. Previously Judge Irene Wells played the role of prosecutor along with her duties at the bench. This did not comply with the Indian Civil Rights Act's guarantee of an unbiased judge.

"I know I was not being fair to the people using the services of the court," admitted Judge Wells, "because I knew the case ahead of time. Now I don't see or know anything until I step into the courtroom."

With this change, as well as the delegation of court administration to Norma Smith and investigation coordination to Vicki Still, Judge Wells expects cases to be more carefully screened and the Tribes to be better represented in court. The chief judge has also been freed up to stay current with the ever-changing field of Indian law.

The public has been wary of the changes, as yet unconvinced of the benefits. "So many people were used to coming right in and talking to me," said Wells. "But now Norma is sticking her foot out."

Although the personal contact with the judge is disappear-

ing, professionalism and efficiency are growing, noted Wells. The changes should "help people to understand and utilize the court better," she said.

Such facelifts in the Tribal Court and law enforcement system are partly the result of the 1968 Indian Civil Rights Act's guarantee of due process to the Indian citizen. Although this means that tribal courts may look more "Anglo," Judge Wells insists that her court is "a unique set-up" that need not sacrifice traditional Indian values. The new prosecutor agrees, pointing to sentencing as a creative phase of the process where tradition can be maintained.

Prosecutors are not the most

popular members of a small community, but as Brenda pointed out, "they help enforce laws that the people want." If the laws are unfit, it is not the court or police department's place to modify them. (Warm Springs' antiquated law and order code will soon be undergoing revision for the first time since it was created in 1934.)

As a member of the Cheyenne River Tribe and not a local, Brenda is a new face in Warm Springs, which in addition to being a woman makes for some suspicious glances. But being an outsider can work in her favor, since she isn't likely to run into the problem of prejudice or prior knowledge. However, a prosecutor can disqualify himself in such a situation, she noted, meaning that tribal members could easily occupy the prosecutor's role. This, in fact, is one of Brenda's goals: to train a local person to take over her job once the office is well-established.

Brenda's personal goals include going to law school and pursuing a career in legal administration. She has completed over three years of pre-law study at the University of South Dakota and Jamestown College in North Dakota as well as her AILTP training.

AILTP provided the prosecutor with 500 classroom hours in criminal and civil law and legal writing, intensive training which is equivalent to about two years of law school study.

Fresh from the more restless environment of Cheyenne River, Brenda is beginning to adapt to the "easy-does-it" Warm Springs mode of operation. Established procedures are not altered overnight and the judicial system is facing some major changes. "It's going to take time for these changes to take place," she said, looking up slowly from last week's Spilyay Tymoo.