

IN THE TRIBAL COURT  
FOR THE  
ASSINIBOINE AND SIOUX TRIBES

FILED

JUN 22 2017

FORT PECK TRIBAL COURT  
CLERK OF COURT

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ADMINISTRATIVE ORDER 2017-6.1

ORDER ON INMATE COURT CORRESPONDENCE

WHEREAS, the Court sees the need to issue an administrative ORDER to the Adult and Juvenile Detention Centers of the Fort Peck Assiniboine and Sioux Tribes regarding inmate correspondence with the Tribal Executive Board, the Court and its officers, and the public.

THEREFORE, the Court ORDERS the following:

1. Pursuant to Title 6 CCOJ Sec. 203 (4), an inmate has "the right to one completed telephone call to a friend and at least one completed call to a lay counselor or attorney immediately after being registered and identified at the jail." Therefore, upon the completion of registering and identifying the inmate, the Adult and Juvenile Detention Centers will allow the inmate to complete one (1) telephone call to a friend or family member and complete one (1) telephone call to lay counselor or attorney. In the event, the inmate's lay counselor or attorney is unavailable to receive the inmate's telephone call, after the jail completed the intake process, the inmate will have the right to another attempt. The inmate will be allowed as many attempts that are needed until the lay counselor or attorney are successfully reached and consulted with by the inmate. Once the inmate completes his/her right to call one (1) friend or family member and one (1) call to a lay counselor or attorney the following Rules will now apply to inmates:
2. Pursuant to Title 3 CCOJ Sec. 307(C), "Prisoners shall not receive or make phone calls at the jail." Therefore, no inmate shall make or receive phone calls from the Adult and Juvenile Detention Centers, with the exception that phone calls are permitted to the Tribal Public Defender or inmate's counsel (See Rule 4).
3. Pursuant to Title 3 CCOJ Sec. 307 (C)(D), the Adult and Juvenile Detention Centers will only allow an inmate to submit one (1) written correspondence to the Tribal Prosecutor per week. Furthermore, inmates are not allowed to make phone calls to the Tribal Prosecutors.
4. Pursuant to Title 3 CCOJ Sec. 307 (D), the Adult and Juvenile Detention Centers will only allow an inmate to submit one (1) written correspondence or one (1) phone call to the Tribal Public Defender per week. Therefore, an inmate must choose which method of correspondence to communicate to the Tribal Public Defender. This order does not limit the number of times a Tribal Public Defender or inmate's counsel can consult in-person at the Adult or Juvenile Detention Centers.
5. An exception to Rule 4 is that an inmate is allowed to submit one application for public defender services and one court correspondence, either written or telephonic, within the same week. This exception will only apply once during the inmate's time of incarceration.

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6. An inmate that submits an application for public defender services will receive a written response from the Tribal Public Defender to the inmate's application within five (5) business days.
7. Pursuant to Title 3 CCOJ Sec. 307 (C), the Adult and Juvenile Detention Center is prohibited from allowing any inmate correspondences, including written or telephonic, to any member of the Tribal Executive Board, Chief Judge, Associate Judges, Court Administrator, Deputy Court Administrator, Chief Clerk of Court, Clerks of Court, Chief Probation Officer, and any other Probation Officer. Furthermore, should an inmate request to correspond with any of these listed Court officers, it is the responsibility of the corrections officer to notify the inmate that these Court officers do not receive correspondences directly from inmates. Instead, the corrections officer must notify the inmate that all Court correspondences must be addressed to either the Tribal Prosecutor and Tribal Public Defender and that Rules 2 and 3 above apply.
8. Pursuant to Title 7 CCOJ Sec. 426 (B), any corrections officer, employee, or administrator of the Fort Peck Tribes' Adult and Juvenile Detention Centers that violates any of the prescribed rules of this ORDER may be subject to the criminal charge of *Criminal Contempt* being brought against him/her for disobedience to this ORDER of the Court.

This order is effective beginning June 26, 2017. This administrative order shall remain in effect until modified, vacated, or superseded by future policy.

DONE and DATED this 22nd day of June, 2017.

  
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Stacie Smith, Chief Judge