



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

Room 114 East, State Capitol
PO Box 7857
Madison WI 53707-7857
(608) 266-1221
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January 15, 2020

SENT VIA US MAIL

Sheriff Shawn Becker
Wood County Sheriff's Department
400 Market Street
Wisconsin Rapids, WI 54495-8095

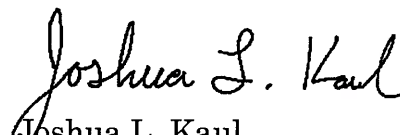
Dear Sheriff Becker:

Thank you for submitting an application for the annual County-Tribal Law Enforcement Grant for 2020. As you are aware, these grants help provide critical funding for a variety of law enforcement services to Native American communities.

Your agency has been approved for an award of \$17,037. Payment will follow. In awarding these grants, the Wisconsin Department of Justice seeks to provide continuity of program funding to the extent possible. We calculated your award total using a formula that factors in population, tribal unemployment rates, and county violent crime rates.

The Wisconsin Department of Justice looks forward to a collaborative working relationship with you. If you have any questions about this program, please contact Mark Snider, Bureau of Budget and Finance, directly at (608) 266-5377.

Sincerely,


Joshua L. Kaul
Attorney General

JLK:EJW:alm

cc: Ho Chunk Police Department Chief Lemieux
Ho Chunk Nation Department of Justice Tribal Attorney Lentz

01-21-20A10:04 RCVD





HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE APPROVAL OF THE CY2020 COUNTY/TRIBAL LAW ENFORCEMENT AGREEMENT FOR WOOD COUNTY

RESOLUTION 12-03-19 L

WHEREAS, on November 1, 1994, the United States Secretary of Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and

WHEREAS, the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") grants the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and

WHEREAS, Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation; and

WHEREAS, Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and

WHEREAS, Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; and

WHEREAS, Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; and

WHEREAS, Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation; and

Executive Offices

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(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

WHEREAS, Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and

WHEREAS, the Wisconsin State Legislature enacted a County/Tribal law Enforcement Program under Wisconsin Statute Section 165.90, which empowers counties that have one or more federally recognized Indian Reservations within, or partially within, its boundaries to enter into an agreement with the Indian Tribe regarding law enforcement in accordance with Wisconsin Statute Section 59.54(12); and

WHEREAS, the County of Wood and the Ho-Chunk Nation are eligible to participate in the CY2020 County/Tribal Law Enforcement Program for such funds by virtue of jointly submitting a program plan to the Wisconsin Department of Justice;

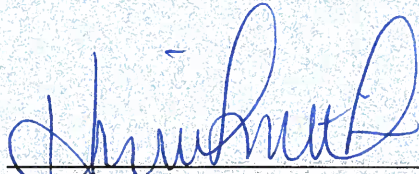
NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby supports the CY2020 Cooperative County/Tribal Law Enforcement Agreement between Wood County and the Ho-Chunk Nation for the purpose of developing and establishing a cooperative law enforcement program between the Wood County Sheriff's Department, other applicable local law enforcement organizations, and the Ho-Chunk Nation; and


BE IT FURTHER RESOLVED that this support is subject to pending area meeting approval; and

BE IT FURTHER RESOLVED that the Legislature authorizes the President or the Vice President of the Nation to sign said Agreement.

CERTIFICATION

I, the undersigned, as Tribal Secretary for the Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members**, of whom **12** constituting a quorum were present at a meeting duly called and convened and held on the **3rd day of December, 2019**, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2(a) through (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Rep. Hinu Smith, Tribal Secretary


Date

**COOPERATIVE COUNTY/TRIBAL
LAW ENFORCEMENT AGREEMENT**

BETWEEN

WOOD COUNTY

AND

HO-CHUNK NATION, A FEDERALLY-RECOGNIZED

INDIAN TRIBE

FOR GRANT YEAR 2020

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COOPERATIVE COUNTY/TRIBAL LAW ENFORCEMENT AGREEMENT

BETWEEN

WOOD COUNTY

AND

HO-CHUNK NATION, A FEDERALLY RECOGNIZED INDIAN TRIBE

I. MISSION STATEMENT

This Cooperative County/Tribal Law Enforcement Agreement (“Agreement”) is made in order to promote the general welfare of Wood County residents, including the Ho-Chunk Communities, by providing enhanced law enforcement services, improving the ability for protection of life and property, preserving the peace, and maintaining order.

II. LEGAL AUTHORITY

Wood County (“County”) is authorized by Wisconsin Statutes Section 165.90 to enter into a County/Tribal Law Enforcement Agreement. A resolution of the Wood County Board of Supervisors authorizes the Wood County Sheriff’s Office to make this joint application. The Ho-Chunk Nation (“Nation”) is authorized to enter into agreements with state, local and federal governments pursuant to Article V, Section 1 (i) of the Ho-Chunk Constitution.

III. DESCRIPTION OF PROPOSED COOPERATIVE COUNTY/TRIBAL LAW ENFORCEMENT PROGRAM.

1. The Ho-Chunk Nation has a police department. However, the Nation primarily relies upon Wood County to provide law enforcement services on Ho-Chunk Nation lands. Cooperatively, the Ho-Chunk Nation and Wood County make application for funding assistance as provided by Wisconsin Statutes Section 165.90. Funding obtained will be used to provide law enforcement and other related services to the Ho-Chunk Communities.

2. Area to be served: Wood County consists of approximately 812 square miles. There are 380 acres of trust land held by the Nation within county, as well as 42 acres held in fee. These lands include the Chak-Ha-Chee community, as well as scattered tribal homesteads within Wood County. Approximately 361 Ho-Chunk people live in Wood County. Although implementation of the program will primarily serve Ho-Chunks on trust lands, it will also enhance the law enforcement services for and contribute to the wellbeing of the residents of the entire County.

IV. NEED FOR FUNDING

In 1953, with the passage of Public Law 280, the federal government granted criminal jurisdiction over Ho-Chunk Nation members who commit major crimes on Ho-Chunk Nation lands to the State of Wisconsin. Although the Nation possesses police powers which are inherent to Indian tribes, it is unable to assume criminal jurisdiction over all incidents occurring on Ho-Chunk Nation lands. Consequently, Wood County assumed a key law enforcement role on Ho-Chunk Nation trust lands.

As the population in the area has increased in recent years, including on Ho-Chunk Nation lands, such as Chak-Hah-Chee, so has the need for law enforcement services.

The increase in the need for law enforcement services has, in turn, increased the need for funding to pay for such services. The County is obligated to provide necessary law enforcement services. The funding provided by this grant will supplement existing funding levels and assist Wood County in meeting this commitment to the Ho-Chunk Nation.

V. GOVERNMENTAL UNIT THAT WILL ADMINISTER AID AND METHOD OF DISBURSEMENT

1. The Wood County Sheriff's Office will administer the funds received for law enforcement and related purposes. A budget for program expenditures has been developed and incorporated into this Agreement.

2. Disbursements shall be made in accordance with the established practices of Wood County and the Wood County Sheriff's Office. Disbursements shall be made only for services or materials requested by the Wood County/Tribal Law Enforcement Commission in accordance with this Agreement.

VI. TYPES OF LAW ENFORCEMENT SERVICES TO BE PERFORMED ON HO-CHUNK NATION LANDS AND WHO WILL PERFORM THEM

The intent of this Agreement is to enhance the provision of all necessary law enforcement and emergency services to the Ho-Chunk Community. The Wood County Sheriff's Office will perform enforcement services, maintain public safety, protect life and property, provide community education and perform other duties mandated by state and federal laws.

The ultimate goal of the Wood County Sheriff's Office will be to preserve the peace, prevent and detect crime, and arrest violators of the law. The Wood County Sheriff's Office will work with the Ho-Chunk Community and the Police Department toward creating a better understanding between the Community and the law enforcement agency. Furthermore, the Ho-Chunk Nation/Police Department and its members shall work, cooperate, assist, and collaborate with the Wood County Sheriff's Office in order to provide the most professional and effective law enforcement services possible for the Ho-Chunk Nation.

The Wood County/Tribal Law Enforcement Commission has identified and agreed upon areas to be addressed as follows:

1. Enhancement of communication and services between the Nation and the Wood County Sheriff's Office.
 - a. Wood County Sheriff's Office shall make reports at the District III monthly meetings (Usually Wednesday of the second full week of each month).
 - b. The County/Tribal Law Enforcement Commission shall meet as needed (preferably once per month).
2. Community focus targeting drug and alcohol education with input from and presentations by drug enforcement officers of the Wood County Sheriff's Office, Ho-Chunk Nation Police Department and the Nation's Programs including, but not limited to:
 - a. Improve parental awareness and involvement.
 - b. Drug and alcohol enforcement with particular focus on heroin, cocaine, methamphetamine and underage drinking.
3. Presentations on juvenile-related issues by the Juvenile Officer of the Wood County Sheriff's Office and financial sponsorship of activities as agreed upon by the County/Tribal Law Enforcement Commission.
4. Training for personnel of the Wood County Sheriff's Office to increase awareness of Ho-Chunk culture and unique needs of the Ho-Chunk Community as they pertain to law enforcement including:
 - a. Ho-Chunk Nation Traditional Trial Courts and Clan Mothers
 - b. Ho-Chunk Nation Culture and Traditions
 - c. Ho-Chunk Nation Child and Family Services Division
 - d. Indian Civil Rights Act
 - e. Ho-Chunk Nation Constitution.
5. Continuation of response to an investigation of crimes on Ho-Chunk Nation lands, increased patrol of Ho-Chunk Nation lands and additional patrol of Ho-Chunk Nation lands through the use of overtime during peak activity periods.
6. The Wood County Sheriff's Office shall provide the Chief of Police with incident summaries on Ho-Chunk Nation lands on a quarterly basis.
7. The Sheriff or his designee shall attend the quarterly meetings of the six County/Tribal Law Enforcement Commission and any other meeting as requested.

8. The Wood County Sheriff's Office with the assistance of the Ho-Chunk Nation will actively seek alternate sources of funding to support the Cooperative County/Tribal Law Enforcement Agreement. The alternate sources of funding may be Local, State, and Federal Grants.

9. As may be requested by the Ho-Chunk Nation Health and Social Services Department, accompany an agent of the Department when conducting

- a child welfare or elder welfare investigation.
- a child safety or an elder safety investigation
- An assessment of an adult between the ages of 18-59 who may be incapable of caring for himself/.herself, who poses a serious threat to the safety of the Department representative.

10. As may be requested by the Ho-Chunk Nation Department of Justice, a County Officer observing or involved in an incident which violates a tribal law shall testify in relevant court proceedings. Every reasonable effort will be made to accommodate the officer's schedule and availability by requesting telephonic or video appearances by the officer whenever possible.

11. Enforcement of the Ho-Chunk Nation Public Nuisance Act. Information about offending Tribal Members residing on Ho-Chunk Nation trust lands shall be referred to the Ho-Chunk Nation Department of Justice/Police Department for prosecution in Ho-Chunk Tribal Court.

12. Enforcement of the Ho-Chunk Animal Control Ordinance which incorporates the use of the County Animal Control Officer. Information about offending Tribal Members residing on Ho-Chunk Nation trust lands shall be referred to the Ho-Chunk Nation Department of Justice/Police Department for prosecution in Ho-Chunk Tribal Court.

13. Enforcement of any other Ho-Chunk laws or ordinances as required to maintain public safety. Information about offending Tribal Members residing on Ho-Chunk Nation trust lands shall be referred to the Ho-Chunk Nation Department of Justice/Police Department for prosecution in Ho-Chunk Tribal Court.

14. The Wood County Sheriff's Office will inform the Ho-Chunk Nation Law Enforcement Commission of any available employment opportunities in the Ho-Chunk Nation Tribal Newsletter (Hocak Worak Newsletter).

15. Motor vehicle crash statistical data for Wood County reported on a quarterly basis to Ho-Chunk Chief of Police pertaining to the following:

- a. Occupant restraint citations and warnings
- b. Child passenger restraint citations and warnings
- c. Operating While Intoxicated citations and warnings

16. The Wood County Sheriff's Department is committed to working with the Ho-Chunk Chief of Police and will assist, whenever possible, with the organization of the Ho-Chunk Police Department.

17. The Wood County Liaison or his designee will notify the Ho-Chunk Chief of Police of any major activity requiring administrative notification, occurring on Ho-Chunk lands, Ho-Chunk facilities, or involving Ho-Chunk tribal members.

18. The Sheriff's Department shall adhere to the U.S. Attorney's Policy on Tribal Member Use of Eagle Feathers. (Issued October 12, 2012).

VII. SUPERVISION AND CONTROL OVER LAW ENFORCEMENT OFFICERS PARTICIPATING IN THE PROGRAM

The Wood County Sheriff or his designee shall exercise daily supervision and control over Wood County law enforcement officers participating in this program.

VIII. METHOD BY WHICH COUNTY AND HO-CHUNK NATION INPUT INTO PROGRAM PLANNING WILL BE ASSURED

1. Program planning shall be done and monitored by the Wood County/Tribal Law Enforcement Commission ("Commission").

2. This Commission is comprised of members of the Ho-Chunk Nation Community and the Wood County Sheriff or his designee.

3. This Commission shall meet regularly to review the law enforcement services provided to Ho-Chunk Nation members to ensure law enforcement needs on Ho-Chunk Nation lands are fulfilled.

IX. RECORD-KEEPING PROCEDURES AND TYPES OF DATA COLLECTION

1. The Wood County Sheriff's Office Administrative Staff shall maintain an adequate record-keeping system which will be accountable for the financial receipts and expenditures for this law enforcement program.

2. Documentation shall be maintained by the officers pertaining to actual time spent on law enforcement related incidents. This documentation shall contain written reports on all matters of serious nature.

3. The Wood County Sheriff's Office shall maintain records on any and all other information which pertains to law enforcement activity upon Ho-Chunk Nation lands.

4. The Sheriff or his designee shall provide an oral and written report including financial and statistical information and shall be given at the District III monthly meetings and to

the Ho-Chunk Nation Police Department. It shall be the responsibility of the Wood County Law Enforcement Commissioner to inform the Sheriff or his designee of the proper time and place to deliver the oral report.

X. OTHER INFORMATION

The Wood County Sheriff and Ho-Chunk Nation stand ready to provide any necessary information requested by the Wisconsin Department of Justice.

XI. 2019 GRANT PROGRAM EXPENDITURES

- 1. The communication between the Wood County Sheriff’s Department and the Ho-Chunk community has been enhanced, and Lt. Joseph Zurfluh attended quarterly meetings, Wood County/Tribal Law Enforcement Commission meetings and monthly District meetings as requested.
- 2. The County/Tribal Law Enforcement Commission identified the Chak-Ha-Chee community’s children’s and elder programs as an opportunity to provide education programs and positive law enforcement visibility.
- 3. Ho-Chunk tribal history, tradition, and laws, will be taught to law enforcement and corrections personnel by persons chosen by the tribe and as opportunity allows.
- 4. The Ho-Chunk community appreciates increased patrol of Ho-Chunk lands and how that patrol contributes to the overall wellbeing of the community, a distinctive component of community policing.
- 5. The Wood County Sheriff’s Department will provide educational presentations at area meetings and other specified times as requested and on topics of interest chosen by tribal members.
- 6. Three times per year, the County/Tribal Law Enforcement Commission, provides funds for cultural activities for Ho-Chunk youth. This creates a positive interaction between Commission members / law enforcement and the youth of the Ho-Chunk Nation.

7. Response calls data statistics:

<u>Wood County Sheriff’s Department</u>			
2019 Report			
Calls for Service in/near Tribal Locations			
<u>September 25, 2018 through September 13, 2019</u>			
Paper Service:	6	Civil Matter:	2
Missing Person:	4	Warrant Pick-up:	3
Agency Assist:	32	Follow Up:	15
Sexual Offense:	2	Disturbances:	15
Welfare Check:	7	Criminal Damage:	1

Motor Vehicle Theft:	1	Animal Complaint:	5
All Other:	118	Drugs-related:	23
Computer Crimes:	1	Liquor/Tobacco violation:	1
Property Protection:	95	Trespassing:	3
Theft:	6	Escort:	1
Traffic comp./parking:	15	Attempt to Locate:	1
Traffic Accident:	16	Lost and Found:	3
Prowler-susp. Person/vehicle:	4	Special Detail:	12
REPO Document:	1	Assist Motorist:	3
Total Calls for Service:	396		

As reported by CAD.

XII. 2020 GRANT GOALS

- Through designated Deputies the Wood County Sheriff will work diligently with representatives of the Ho-Chunk Nation Department of Housing/HHCDA on complaints, calls, or significant requests for services from housing units the Nation oversees. The Ho-chunk Department of Housing and HHCDA may then request through the appropriate liaison or Chief of Police, any pertinent information pertaining to incidents occurring within the Nation’s housing units. This coincides with Wisconsin State Statute on Open Records Requests 19.35(1).
- The Wood County Sheriff’s Office will do referrals to the Ho-Chunk Nation Domestic Abuse Program. This would apply to Tribal Members residing on Ho-Chunk Nation trust lands in the event there is a domestic abuse situation. This information shall be shared with the individuals involved whether or not the information is requested. The Ho-Chunk Nation shall provide the Wood County Sheriff’s Office with information and details regarding this program and provide the appropriate materials to be distributed. Nothing in this paragraph shall abrogate the parties’ obligation to comply with Section 968 of the Wisconsin Statutes. Continued participation and collaboration on the Community Coordinated Response Team by Wood County and Ho-Chunk Nation Health and Human Services on issues of domestic violence.
- Establish Public Law 280 training for officers who have not had the training.
- Promote cultural understanding through Cultural awareness presentations and the use of programs within the Nation such as the Clan Mothers.

**WOOD COUNTY/HO-CHUNK TRIBAL LAW ENFORCEMENT GRANT
BUDGET – 2020**

Please find below the proposed expenditures for the grant. Although budgeted amounts exceed the grant award, Wood County will fund the remainder of the expenditures including any additionally needed salary and all fringe benefits.


Improved/Additional Patrol (Prioritization toward Higher Risk Times)	\$12,927.00
Family/Children's Crime Issue Presentations, Programs, Miscellaneous Programs	
- Education Programs and direct narcotics enforcement	\$ 1,000.00
- Communities Programs	\$ 1,500.00
- Cultural Awareness Training	\$ 1,400.00
o Administration Fee	\$ 1,200.00

TOTAL GRANT ALLOCATION	\$ <u>18,027</u>
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Sheriff Shawn Becker, Wood County

10/14/19
Date



Chief Deputy Randal Dorshorst, Wood County

10-08-2019
Date



RESOLUTION# 19-10-14

Introduced by Public Safety
Page 1 of 1

ITEM# 3-2
DATE October 15, 2019
Effective Date Upon passage & publication

Committee

RSD

Motion: Adopted: ☒
1st LaFontaine Lost: ☐
2nd Breu Tabled: ☐
No: 0 Yes: 17 Absent: 1
Number of votes required:
☒ Majority ☐ Two-thirds
Reviewed by: PAK, Corp Counsel
Reviewed by: MAC, Finance Dir.

INTENT & SYNOPSIS: To authorize Wood County to enter into an agreement and seek funding under §165.90 for Law Enforcement Services on Restricted Tribal Lands.

FISCAL NOTE: \$36,584.00
Source of Money: 2020 Budget

		NO	YES	A
1	LaFontaine, D		<input checked="" type="checkbox"/>	
2	Rozar, D		<input checked="" type="checkbox"/>	
3	Feirer, M		<input checked="" type="checkbox"/>	
4	Vacant			
5	Fischer, A		<input checked="" type="checkbox"/>	
6	Breu, A		<input checked="" type="checkbox"/>	
7	Ashbeck, R		<input checked="" type="checkbox"/>	
8	Hahn, J		<input checked="" type="checkbox"/>	
9	Winch, W		<input checked="" type="checkbox"/>	
10	Holbrook, M			<input checked="" type="checkbox"/>
11	Curry, K		<input checked="" type="checkbox"/>	
12	Machon, D		<input checked="" type="checkbox"/>	
13	Hokamp, M		<input checked="" type="checkbox"/>	
14	Polach, D		<input checked="" type="checkbox"/>	
15	Clendenning, B		<input checked="" type="checkbox"/>	
16	Pliml, L		<input checked="" type="checkbox"/>	
17	Zurfluh, J		<input checked="" type="checkbox"/>	
18	Hamilton, B		<input checked="" type="checkbox"/>	
19	Leichtnam, B		<input checked="" type="checkbox"/>	

WHEREAS, Wood County has restricted Tribal lands within its borders, and

WHEREAS, the State of Wisconsin has set aside 1/20th of the penalty assessment funds for Tribal Law Enforcement Grants, and

WHEREAS, the State of Wisconsin and the County of Wood have joint responsibility for providing law enforcement on Tribal lands in Wood County under Section 165.90 of the Wisconsin Statutes, and

NOW THEREFORE BE IT RESOLVED, by the Wood County Board of Supervisors that application be made by the Wood County Sheriff's Department to the State of Wisconsin/Department of Justice under the provisions of Section 165.90 of the Wisconsin Statutes for aid up to \$36,584.00, but not to exceed the total revenue available, to assist in providing law enforcement services on restricted Tribal lands in the County of Wood.

()

WILLIAM WINCH (Chairman)

DENNIS POLACH *D. Polach*

MICHAEL FEIRER *M. Feirer*

JOSEPH ZURFLUH *Joseph H. Zurfluh*

JASON ZALESKI *J. Zaleski*

Adopted by the County Board of Wood County, this 15th day of October 20 19

Grant D. ... County Clerk

William Winch County Board Chairman