



HO-CHUNK NATION DEPARTMENT OF JUSTICE

The Department of Justice is responsible for providing legal services to the Nation and coordinating the activities of the other Divisions within the Department. The Department of Justice consists of six (6) divisions: the legal services, Contracts, Law Enforcement, Surveillance, Compliance, and Election Board.

MISSION

The mission is set forth by the Ho-Chunk Nation Legislature in the DEPARTMENT OF JUSTICE ESTABLISHMENT AND ORGANIZATION ACT OF 2001:

The Department of Justice (“Department”), as part of the Executive Branch, is committed to defending the sovereignty of the Ho-Chunk Nation (“Nation”) and representing the Nation on those matters that concern the Nation’s interests and welfare. The Department will serve the Nation in Tribal, State and Federal forums.

SUMMARY

Throughout the COVID 19 pandemic the Department of Justice continued to offer critical and essential services, including policing, surveillance, drug testing, and to a limited extent background checks. Communication continues through phone, teleconferencing, and email with clients and other individuals.

Examples of innovation include, but are not limited to, the implementation of a training video for contract database navigation, use of a paralegal case coordination/notification between agencies, institution of a cross agency case tracking log, creating a shared investigation file between the

Department of Personnel and the Department of Justice to break down information silos. Additionally, the reliance on outside counsel was ended as it interfered with the DOJ's ability to independently handle cross-branch litigation. Ethical screens/conflict screens and branch assignments were initiated to ensure independent representation and fulfill the role set out under the DEPARTMENT OF JUSTICE ESTABLISHMENT AND ORGANIZATION ACT OF 2001. Case load by topic included approximately: 175 Child Welfare, 15 Adult Protection, 60 Trust Fund, 15 General Litigation, and 970 Child Support.

STAFFING

The Department of Justice and its (6) Divisions implemented permanent layoffs but continued to maintain critical staff such as Attorneys, a Paralegal, a member of the Contract Database Staff, Compliance, and Surveillance Agents at each gaming site location. The Ho-Chunk Nation Police Department remained near full staffing for all officers during the COVID pandemic. DOJ managed to provide ongoing legal counsel and representation to branches, departments, agencies, commissions, and boards of the Ho-Chunk Nation.

The HCN Police Department continued to work with state, federal, and local law enforcement on HCN lands, as well as, adapted services to meet the needs of the community and the Department of Health in addressing COVID-19 concerns.

The Compliance Division continued to conduct background checks, drug testing and investigations. The Compliance Division Director carried out investigation duties due to staffing levels in addition to his normal workload.

The Surveillance Division at each gaming facility are staffed to help protect the assets of the Nation. The Surveillance Division met specific challenges including: staff burnout, low morale, and inability to retain staff due to noncompetitive wages. Despite the difficulties, the Surveillance Division ensured that it maintained appropriate staff for the facilities to remain operable.



**HO-CHUNK NATION
ELECTION BOARD**

The Election Code provides basic rules and establish election procedures to ensure that all elections are conducted in a fair and proper manner. Election Code, 2 HCC §6. The Election Board and Office Staff strive to develop new and better ways to improve our electoral processes and services to HCN Tribal Members eligible to vote.

The Election Board consists of Twelve (12) Delegate Members and twelve (12) Alternate Members and an Election Board Chairperson (“Chairperson”). The Vice-Chairperson is elected from the sitting twelve (12) Delegate members. Two (2) year terms of all Election Board Delegates, Alternates and Chairperson are staggered. District 1, 3 and 4 Delegates and Alternates will be appointed within the same year and District 2 Delegates, Alternated and the Chairperson will be appointed in the next year to ensure the maintenance of staggered terms. This past year we had a special election, the Election Board Office Administrator received notice D3, S2 Legislator resigned on July 6, 2021 effective immediately. The Election Board Chairperson called for an Election Board meeting to call for a Special Election. The Board called for a Mail Balloting Special Election on Wednesday, August 4, 2021, due to COVID. There were 295 cast out of 1487 Eligible Voter’s, we had 6 candidates running for D3, S2. The Board called for a Mail Balloting Special Run-Off Election, Thursday, August 26, 2021. There were 248 cast out of 1495 Eligible Voter’s for District 3. And through this election process it was done through mail balloting as well.

Swearing-in occurred on Wednesday, September 22, 2022, via WebEx.

The board met on December 12, 2021 and on January 22 & and 23, 2022 which was training with new board members, at this training the board did go over the Election Code and made several changes to the code.

Erik Shircel, Tribal Counsel assigned to the Election Board from the HCN Department of Justice, provided a training on the Open Meetings Act, Code of Ethics and the Election Board Duties and Responsibilities. The training highlighted Obligations as an Election Board Member and reviewed what constitutes Improper Conduct by and Election Board Member and Election Board Chairperson.

The Election Board set up meetings to go over the Election Code to make changes, but due to overspent in there Election Board Budget, they had to wait. The Election Board Budget Increase was approved in April and the Election Board Members did meet on May 7, 2022. On June 3, 2022 some of the Election Board Members did meet with 2 of the Legislators to go over the changes the board submitted. There next schedule meeting will be by WebEx Friday, June 17th and finalize their changes and resubmit to the Legislator’s.



HO-CHUNK NATION POLICE DEPARTMENT

The Ho-Chunk Nation Police Department for Fiscal Year 2022 ensured public safety during the Covid-19 Pandemic for tribal members and communities.

With limited contact the department continues to strive with continuous communication and cooperation between community members and the department.

Able to assist with the 2022 Law Enforcement Agreements with the (6) counties that include Ho-Chunk community members and their families.

Able to assist with the Black River Falls Police Department with the National Night Out Event and held a booth at this event and handed out safety packets for the families and youth.

Held our annual Halloween event with a drive thru and handed out safety literature to all who attended.



HO-CHUNK NATION COMPLIANCE DIVISION

The Compliance Division performs three basic functions for the Ho-Chunk Nation; employee drug testing, background investigations for gaming and designated non-gaming positions and

internal investigations as directed by the Attorney General. In FY2022, the Compliance Division performed the following tasks:

Drug Testing: the average employee base was about 2064; a total of approximately 2008 tests; 1085 pre-employment tests; 823 random tests (required a minimum of 40% of employee base annually) and about 100 other tests that include follow up testing, reasonable suspicion and re-tests. The overall positive rate was 4.5%, which is lower than the pre-COVID rate of 6.1% with an average employee base of about 3,300.

Fingerprinting: a total of 433 fingerprint criminal records checks were conducted with 329 (about 76%) related to gaming licensing. The remaining 104 criminal records checks were conducted and included caregiver checks as well for Social Services, Health and various other positions that require federally mandated FBI checks.

Internal Investigations: a total of 25 investigations were conducted that included 5 sexual harassment complaints, 7 whistle blower (finance related) and 13 miscellaneous alleged violations of tribal codes.



**HO-CHUNK NATION
SURVEILLANCE DIVISION**

This past year the overarching goal for the Surveillance Division was to maintain compliance with tribal, state and federal regulations so that the gaming operation is uninterrupted, keep personnel updated with changes to facility policies and procedures and up to date on current scams and cheating methods in an effort to protect the Nation's assets.

Additionally, the Surveillance Division as a whole struggled with retention of employees due to cuts in staffing leading to increased workload and burn out, and noncompetitive wages. The pandemic and resultant staff shortages have led to morale issues. Surveillance Division will continue to struggle for hiring and retention if the job descriptions and budget are not adjusted to meet the needs of continued progressive ramp up of the gaming facilities to 100% capacity.

Accomplishments have included coordination with law enforcement to ensure protection from and prosecution of criminal activity, Title 31 training and reporting at each facility. Although the trainings are completed, the continuing at approximately 50% staffing will hinder future attempts. The Surveillance Division needs a raise in hourly pay rate to compete with other

employers.

I. Madison

- a. Incident reports written; 513
- b. Reviews completed; 376
- c. Investigations completed; None due to no investigator

II. Wisconsin Dells

- a. Observation Reports 1286
- b. Investigations 26

III. Black River Falls/Tomah

- a. Investigations 374.
- b. Observation reports 115.
- c. Casino personnel surveillance system reviews 600 times.
- d. Special observations -3

IV. Nekoosa

- a. Incident Reports 259
- b. Investigation 273
- c. Investigative Reviews 50
- d. Observation reviews 56

V. Wittenberg

- a. Observation reports 398
- b. Monitor room reviews 76
- c. Title 31 reports by investigator 201
- d. Investigations open 3
- e. Request for reviews completed by the Investigator – 185
- f. Investigations completed 5
- g. Malfunctions 15
- h. Remote Access 32

Summary

Investigations: A majority of those involve patrons cashing out TITO tickets in the kiosks. Title 31 requires investigation of redemption amounts above \$2500. The investigators have also conducted reviews and have assisted law enforcement with requests for footage on occasions.

Observation reviews: A majority of those requests are for lost TITOs, Point of Sale concerns for Food and Beverage and Bingo, Kiosk reviews for the Cage department of whether a patron got money from the kiosk, Table Games department for cards dealt of payment issues.

Observation reports having to do with medicals, suspicious activity, procedure violations and drug activity.