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Office of the Chief

Chuck Hoskin Jr.
Principal Chief

Bryan Warner
Deputy Principal Chief

EXECUTIVE ORDER
2023-05-CTH

**EXECUTIVE ORDER ESTABLISHING THE PRINCIPAL CHIEF'S CRIMINAL LAW
REFORM AND PLANNING TASK FORCE**

1. **AUTHORITY:** The Constitution and laws of the Cherokee Nation.

2. **POLICY:** It is in the national interest of the Cherokee Nation to periodically evaluate and reform its criminal justice system to ensure that the system is effective, efficient and meets important objectives, including but not limited to the rehabilitation of Cherokee citizens convicted of criminal offenses. Sentencing requirements, alternative sentencing, reentry services as well as the adequacy of detention facilities are important subjects to review in this regard. To this end, the establishment of the "Principal Chief's Criminal Law Reform and Planning Task Force" is warranted.

3. **Principal Chief's Criminal Law Reform and Planning Task Force ("Task Force"):** The Principal Chief's Criminal Law Reform and Planning Task Force, a work group within the executive branch, is hereby created.
 - A. **Subject matters under review:** The task force shall study
 1. Criminal sentencing reform.
 2. Reentry program expansion.
 3. Threshold review of future detention facility needs.

B. Membership

The Task Force shall be composed of the following members:

- Attorney General Chad Harsha, (chair)

- Attorney General's designee (co-chair)
- Marshal Shannon Buhl (member)
- Secretary of State Shella Bowlin (member)
- Todd Hembree, CNB Vice President, Legal Department, Former Cherokee Nation Attorney General (member)
- By invitation: Cherokee Nation Judiciary (Chief Justice John Garrett's designated member)³
- By invitation: Cherokee Nation Council Member (Speaker Mike Shambaugh or designated member) (member)¹
- By invitation: Cherokee Nation Council Member (Speaker Mike Shambaugh's designated member) (member)²

C. **Stakeholder Engagement:** The Task Force shall, at a minimum, engage the following for subject matter inquiries:

- Matt Lamont, Director of Cherokee Nation Reentry Programs (Recommendations as to reentry programs).
- Tralynna Scott, CNB Chief Economist (CNB conducted detention center feasibility study).
- Treasurer Janees Taylor (Cherokee Nation budget).
- Kim Teehee (Government Relations / Federal policy and funding).
- Chief of Staff Corey Bunch (Detention center staffing).
- One or more representatives of the local defense bar who are members of the Cherokee Nation Bar Association (defense counsel perspectives).

The Attorney General shall utilize such clerical or other support staff as necessary to assist the Task Force in its work.

D. **Objectives / Timeline**

The Task Force shall examine the subject areas along the following timelines:

1. **Criminal Sentencing Reform (Recommendations Due 2/1/24)**

The Task Force shall examine current Cherokee Nation sentencing laws and practices and make recommendations for statutory changes that carefully balances Cherokee Nation's interests in justice and rehabilitation.

2. **Reentry Program Expansion (Recommendations Due 2/1/24)**

The Task Force shall examine the operation and efficacy of the Cherokee Nation reentry program and make recommendations for programmatic and budgetary changes to improve outcomes and such other recommendations that align with Cherokee Nation's interest in providing support for its citizens who face post-conviction barriers to rehabilitation and reentry.

¹ Speaker Mike Shambaugh has indicated interest in filling this seat.

² Speaker Shambaugh has indicated an interest in appointing Councilor Daryl Legg to this seat.

³ Justice Garrett has indicated an interest in appointing Judge Barteaux to this seat.

3. Threshold review of future detention facilities (Recommendations Due 6/1/24)

The Task Force shall examine Cherokee Nation's current approach to criminal detention and make threshold recommendations as to operations, third party agreements and potential construction of a tribally owned and/or operated detention facility. The Task Force will forecast the operating and capital cost of operating Cherokee Nation's criminal detention system in future years.

Mindful that this subject area is wide ranging, the Task Force should approach the subject as a threshold review to guide future deeper analysis of the subject.

E. Extensions of Time

The Task Force Chair may request an extension time, based on good cause shown, for any of the deadlines described above.

F. Public Disclosure

Though the Task Force is an internal governmental work group and not a "public body" under Cherokee Law, its recommendations shall be disclosed to my office, the Speaker of the Council, the Chief Justice of the Supreme Court and to the public via Cherokee Nation's website within two weeks of the deadlines (or any extension thereof) described above.

4. **ORDER:** The Principal Chief's Criminal Law Reform and Planning Task Force ("Task Force") is hereby created.
5. **Effective Date:** This order is effective December 11, 2023.



Chuck Hoskin, Jr.
Principal Chief of the Cherokee Nation

Date: 12/11/23