



**THE CROW NATION
TRIBAL COURT**

**CRIMINAL COMPLAINT,
AFFIDAVIT AND WARRANT
REQUEST**

CASE NO.
CR-23-0620

Court Address
P.O. Box 489,
Crow Agency, Montana 59022

Court telephone no.
(406) 638-7400

Court fax no.
(406) 638-7415

THE CROW TRIBE

V.

Defendant/Respondent name, address, DOB and
telephone no.

KENNETH JAMES DEPUTEE SR., IM.
(DOB: 01/09/1951)
Defendant.

A. CRIMINAL COMPLAINT

The undersigned upon review of the investigative materials from the BIA law enforcement Uniform Services Division and has information and reason to believe that the Defendant has committed the offenses of **Endangering the Welfare of Children**, in violation of §8B-5-608, CLOC, Counts 1 through 88.

B. AFFIDAVIT

On or about October 11, 2023 the Defendant was contacted by BIA law enforcement about why the school in Wyola was closed until further notice. At that time, he indicated that the school had been closed on October 10 and 11 but would be open again on October 12. He also indicated that there would be a school board meeting the evening of October 12. That meeting was unilaterally cancelled by the defendant without cause.

The Wyola School currently has 88 students who are being denied access to a publicly funded school due to the Defendant's actions. The Defendant, as the Superintendent of Schools has a duty to each one of those children.

8B-5-608, CLOC states in relevant part:

(1)A parent, guardian, or other person supervising the welfare of a child less than 18 years old commits the offense of endangering the welfare of children if he/she knowingly endangers the child's welfare by violating a duty of care, protection, or support or if he/she knowingly fails to cause a child less than 18 years old to regularly attend school without legal justification.

(2)(6)Any parent, guardian, or other person who is responsible for the care of any child residing on or near the Crow Reservation who is of kindergarten enrollment age or older prior to the first day of school in any academic year shall cause the child to attend the school in which he or she is enrolled for the school term and each day school is open during the term until the child has either reached the age of eighteen (18) or completed the work of the twelfth (12th) grade. Legal justification for failure to cause the child's attendance

KENNETH DEPUTEE SR.

include (a) illness of the child; (b) death of a family member; (c) the funeral or feast in remembrance of a family member; (d) legal holidays of the Crow as defined in Title 5, Rule 28; (e) completion of the GED program; or (f) legal emancipation.

(2)(4) Endangering the welfare of children is a Class C offense for which the offender shall be imprisoned in the Crow Tribal Jail for any term not to exceed 6 months or be fined an amount not to exceed \$2500.00 \$1000.00 payable to the Crow Tribal Court, or both **except that the Court may imprison the offender for one day or may impose a fine of up to \$100 for each day an offender has failed to cause a child less than 18 years old to attend school without legal justification**, or both, not to exceed \$1000 or 6 months.

Not only has the Defendant violated his duty of care to each of the eighty-eight (88) children currently enrolled in the Wyola School, but the statute also specifically provides for the appropriate penalty for such actions on a day-for-day, child-for-child basis. As such upon conviction the appropriate penalty would be one day in jail and a fine of one hundred dollars per child and eighty-eight days for each day the school is closed in violation of the law.

As far as the Tribe is aware, all of the children in question and the Defendant are all members of a federally recognized tribe. Such action is against the peace and dignity of the Crow Tribe.

C. WARRANT REQUEST

The Undersigned requests that the Court issue a warrant for the Defendant's arrest and set bond only upon appearance before the Court, should the Court determine that he does not present a risk community safety.

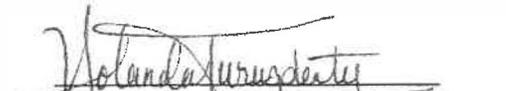

CROW TRIBAL PROSECUTOR

DATE: May 13th, 2023

SUBSCRIBED AND SWORN TO before me on this 13th day of October, 2023.

(Seal)




Notary/clerk of the Crow Tribal Court

