

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council of the White Mountain Apache Tribe is advised that the Bureau of Indian Affairs has allocated 1.5 million dollars to assist tribes in the establishment and improvement of tribal court systems, said funds being referred to as Special Tribal Court Funds; and
- WHEREAS, said funds have been specifically allocated for "needy courts" meaning those tribal court systems that are in need of funding for training and education of judges and court personnel, technical and management assistance, operations and innovative programs; and
- WHEREAS, the White Mountain Apache Tribe with an enrolled membership of over 10,200 tribal members and an estimated 3,000 additional non-enrolled Indians residing on the reservation has been unable to provide adequate financial support for Judicial Services, in the following areas: Victim-Witness counseling and crisis intervention, establishment of an adult and domestic violence diversion program, conciliation court services for domestic and custody matters, a fully staffed adult and juvenile prosecutor's office for the prosecution of crimes against children, incapacitated adults and the elderly including child dependency and cases arising under the Indian Child Welfare Act, a public defender's office to insure due process and equal protection for indigent criminal defendants, training for tribal judges and court personnel, including a court administrator position and automation of the court's case management system, and an adequate court facility and law library; and
- WHEREAS, the foregoing departments are either entirely lacking in the tribal court system or are severely under funded thereby resulting in a denial to residents of the Fort Apache Indian Reservation of an adequate judicial system necessary for the proper administration of justice; and

WHEREAS, the Chief Tribal Judge Kay Lewis, Tribal Attorney, the Whiteriver Police Department, BIA Law Enforcement, the Tribal Prosecutor, the Tribal Law and Order Committee, and Superintendent of the Fort Apache Indian Agency have met and conferred in respect to identifying needs of the court system and have requested Tribal Council authorization to submit an application for Special Tribal Court Funds which application must be post marked no later than February 15, 1991; and

WHEREAS, the Tribal Council concludes that application should be made for said funds due to the presently severely under funded and "needy" judicial system on the Fort Apache Indian Reservation.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby finds that the Tribal Court System of the White Mountain Apache Tribe is in grave need of funding for the establishment of the following program:

1. A Juvenile Prosecutor's Office to process child dependency and abuse cases including cases involving abuse of incapacitated adults and elderly persons
2. A Public Defender's Office to provide representation for indigent criminal defendants appearing before the Tribal Court.
3. Training of Tribal Court Judges and Court Personnel especially in the area of court administration, duties of the clerk, and for establishment of an automated case management system.
4. Adequate funding for appellate court system.
5. To increase the staff of the Tribal Prosecutor's Office from one staff person to include a part time attorney and full time investigator and secretarial staff.
6. Establishment of a victim-witness program for crisis intervention especially in violent crimes and crimes of sexual assault, child and elderly abuse.

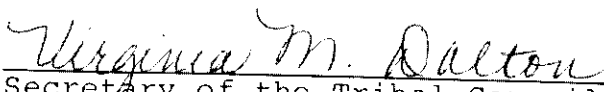
7. An Adult and Domestic Violence Diversion Program to act in conjunction with the Victim Witness Program to stabilize tribal families and reduce instances of domestic violence, child abuse and recidivism thereof on the reservation.
8. A court administrator position including court staff training and implementation of a computer based case management system for the court system
9. A conciliation and mediation court for resolution of domestic cases and custody/support issues.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes Chairman Ronnie Lupe to sign any and all applications necessary to apply for this much needed funding.

The foregoing resolution was on February 13, 1991, duly adopted by a vote of 9 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (a, b, i, j) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

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FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA