

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

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has authorized the White Mountain Apache Tribal Prosecution Department to investigate and prosecute unlawful acts committed on the reservation; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has established that unlawful acts committed by its younger Tribal members lead to suffering and pain for victims, youth and families; and

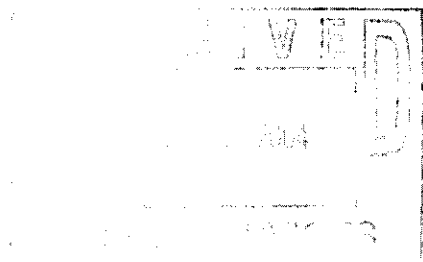
WHEREAS, the Tribal Council of the White Mountain Apache Tribe has determined that the youth are the future of the Tribe; and

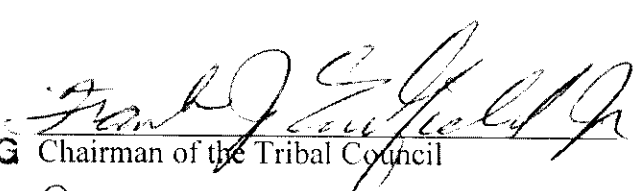
WHEREAS, the Juvenile Division of the White Mountain Apache Tribe Prosecution Department has identified funding sources via the United States Department of Justice and the Department of the Interior designed to increase the effectiveness and efficiency of the juvenile justice system; and

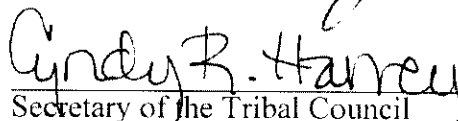
WHEREAS, the White Mountain Apache Tribe Prosecution Department proposes to develop a more efficient and effective juvenile justice system that will; (1) better coordinate juvenile offender prosecution programs; (2) provide for closer case oversight of juvenile offenders; (3) provide more effective diversion and helping services for juvenile offenders available to Tribal judges; (4) review and modify the existing Juvenile Criminal Code; and (5) help young Tribal members find their place and identity in the White Mountain Apache Tribal Community and become contributing Tribal citizens.

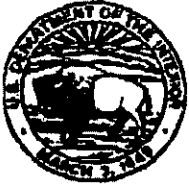
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Juvenile Division of the White Mountain Apache Tribe Prosecution Department to pursue grants through the United States Department of Justice and Interior to obtain funding for the purpose of increasing the effectiveness and efficiency of the juvenile justice system and that the said funding is to be implemented immediately upon receipt to assist in strengthening the Prosecution Department's Division of Juvenile Prosecution and the systems with which it works.

The foregoing resolution was on MAY 20, 2004 duly adopted by a vote of TEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (i), (k), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



ACTING 
Chairman of the Tribal Council


Secretary of the Tribal Council



IN REPLY REFER TO:

United States Department of the Interior**BUREAU OF INDIAN AFFAIRS**

Office of Law Enforcement Services

P.O. Box 66

Albuquerque, New Mexico 87103

LES SPECIAL ORDER 04-003

To: All Law Enforcement Services (LES) Personnel

Subject: Removal of Juveniles from Adult Detention Centers

This directive is issued to remove juveniles from facilities that cannot meet the requirements for housing juveniles in secure custody in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. §5601, as amended.

As mandated by the Assistant Secretary of Indian Affairs the Bureau of Indian Affairs (BIA) Law Enforcement Services (LES) will initiate the termination of placing juveniles in adult detention centers that are under the auspices of the BIA. I am fully aware of the hardship that some Indian communities will experience from this mandate, however, effective immediately the BIA, LES will coordinate and cooperate with community service providers to identify and secure alternative placement.

This directive is effective immediately and it is expected that the BIA Chiefs of Police will fully support detention services in accomplishing this order. The directive will be incorporated in the new detention handbooks when it is established.

Failure to adhere to this directive will result in personnel action for BIA detention supervisors and BIA Chiefs of Police who fail to cooperate in the removal of juveniles from inappropriate facilities. Tribally operated detention programs, contracted under Public Law 93-638, that fail to comply with this directive will be reassumed by the BIA.

BY ORDER OF:

A handwritten signature in black ink, appearing to read "Robert D. Ecoffey".

ROBERT D. ECOFFEY
DEPUTY BUREAU DIRECTOR, LAW ENFORCEMENT SERVICES



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Office of Law Enforcement Services

P.O. Box 66

Albuquerque, New Mexico 87103

OLES SPECIAL ORDER 04-004

TO: ALL OLES PERSONNEL

SUBJECT: DETENTION OVERCROWDING

This directive is issued to eliminate adult and juvenile detention overcrowding. Detention overcrowding impacts the safety of both staff and inmates. Each detention facility has a predetermined operating capacity. Detention supervisors are to confirm the rated capacity of their facility.

Detention supervisors, with the support of the Bureau of Indian Affairs (BIA) Chiefs of Police, will identify on- or -off-reservation detention centers, treatment facilities, or other appropriate placements, that can be used for housing inmates and juveniles for the purpose of reducing overcrowding.

Strategies for reducing overcrowding that should be considered include: police exercising the discretion to cite and release individuals committing non-violent and minor offenses; tribal court development of alternative sentencing; tribal courts authorizing Detention Services to release non-sentenced inmates on personal recognizance; identifying arrestees in custody due to medical/mental health reasons and dealing effectively with Indian Health Service, Substance Abuse and other available programs, to provide appropriate services.


In the event of a *Mass Arrest* of adults, BIA Adult Detention Handbook, Volume 3., Chapter 6., Section 3, or *Mass Arrest* of juveniles, BIA Juvenile Detention Handbook, Volume 3., Chapter 7., Section 3, the detention supervisor, in conjunction with the BIA Chiefs of Police, tribal courts, and other agencies shall develop and implement a plan to receive, house, and release large numbers of inmates or juveniles in a short amount of time.

Detention supervisors, with the support of the BIA Chiefs of Police, are to identify alternative jurisdictions to house inmates or juveniles to prevent overcrowding, however, funding and resources must be available.

Detention supervisor are given authority to refuse arrestees when the intake will exceed the capacity for the facility.

This directive is effective immediately. The directive will be incorporated in the new detention handbooks when it is established.

BY ORDER OF:



ROBERT D. ECOFFEY
DEPUTY BUREAU DIRECTOR, LAW ENFORCEMENT SERVICES