

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Approval for Eileen Luna-Firebaugh, JD, MPA, to Perform Research on the Tohono**  
**O'odham Nation as Part of Project on the Criminal Justice Impediments to the**  
**Higher Education of American Indian Youth)**

**RESOLUTION NO. 12-134**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**  
2 **power "to promote, protect and provide for the public health, peace, morals,**  
3 **education and general welfare of the Tohono O'odham Nation and its members"**  
4 **(Constitution, Article VI, Section 1 (c)(2)); and**

5 **WHEREAS, Prof. Luna-Firebaugh is Choctaw and Cherokee, an Associate Professor of American**  
6 **Indian Law and Policy at the University of Arizona, and for five years an Associate**  
7 **Justice for the Appellate Court of the Colorado River Indian Tribes, in which capacity**  
8 **she heard and considered many cases involving American Indian youth; and**

9 **WHEREAS, Prof. Luna-Firebaugh is the author of *Tribal Policing: Asserting Sovereignty, Seeking***  
10 ***Justice*, and is a tribally- and nationally-recognized authority in the field of tribal**  
11 **justice; and**

12 **WHEREAS, Prof. Luna-Firebaugh has received a sabbatical from her graduate teaching**  
13 **responsibilities to conduct research into juvenile criminal diversion programs for**  
14 **American Indian youth within Pima County, Arizona; and**

15 **WHEREAS, research indicates that even after controlling for severity of offense and other factors,**  
16 **detained youth (as opposed to those held in community settings or returned home) are**  
17 **more likely to have their physical and mental health, future education, and**  
18 **employment adversely affected, more likely to be formally charged and receive**  
19 **harsher dispositions, and more likely to recidivate after release; and**

20 **WHEREAS, Prof. Luna-Firebaugh is presently conducting a program evaluation of the juvenile**  
21 **diversion programs being undertaken by Pima County, including the Community**  
22 **Justice Boards, the Tucson High Magnet School, and the Pima County Juvenile Court**  
23 **program, which aim to decrease the number of youth in detention and increase the**  
24 **number diverted from the criminal justice system; and**

25 **WHEREAS, due to the significance of the Tohono O'odham Nation to Pima County, Prof. Luna-**  
26 **Firebaugh hopes to include the Tohono O'odham Juvenile Diversion Program in this**  
27 **study; and**

28 **WHEREAS, this program evaluation has been reviewed by the Tohono O'odham Legislative**  
29 **Council Judiciary Committee.**

30 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it hereby**  
31 **approves the proposal from Prof. Eileen Luna-Firebaugh to conduct research on the**

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**Tohono O'odham Nation's Juvenile Diversion Program, provided that Prof. Luna-Firebaugh shall:**

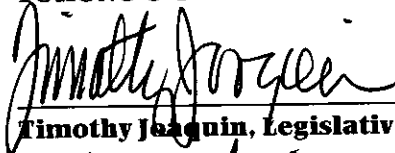
- 1. Conduct research activities, including but not limited to interviews of program staff and administrators, and review of pertinent documents provided by the Nation, in accordance with all applicable research standards applicable to program review and evaluation.**
- 2. Disclose to all participants how the research information will be used and the potential for publication of such information.**
- 3. Provide updates to the Legislative Council, the Legislative Judiciary Committee, and the Juvenile Diversion Program.**
- 4. Distribute copies of the completed research report to the pertinent committees and libraries of the Nation.**

**BE IT FURTHER RESOLVED that copies of any and all data and reports generated by Prof. Luna-Firebaugh's research shall be provided to the Tohono O'odham Nation.**

**BE IT FINALLY RESOLVED that the Nation's employees are not authorized to disclose data or other information that is not publicly available to Prof. Luna-Firebaugh.**

**The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 25<sup>TH</sup> Day of APRIL, 2012 at a meeting at which a quorum was present with a vote of 1,350.20 FOR; 1,218.50 AGAINST; [01] NOT VOTING; and 211.90[03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1 (c)(2) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).**

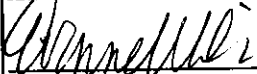
**TOHONO O'ODHAM LEGISLATIVE COUNCIL**



**Timothy Jaquin, Legislative Chairman**

27 day of April, 2012

**ATTEST:**



**Evonne Wilson, Legislative Secretary**

26 day of April, 2012.

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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of April, 2012 at 8:38 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2012  
 DISAPPROVED at \_\_\_\_\_ o'clock, \_\_\_\_ .M.

**EXCEEDED 48 HOURS**

\_\_\_\_\_  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 1 day of May, 2012, at 10:57 o'clock, a.M.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

**ACTION:** APPROVAL FOR EILEEN LUNA-FIREBAUGH, JD, MPA, TO PERFORM RESEARCH ON THE TOHONO O'ODHAM NATION AS PART OF PROJECT ON THE CRIMINAL JUSTICE IMPEDIMENTS TO THE HIGHER EDUCATION OF AMERICAN INDIAN YOUTH

**MOVED:** COUNCILMAN EUGENE ENIS

**SECOND:** COUNCILMAN HILARION CAMPUS

**DATE:** APRIL 25, 2012

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
<b>BABOQUIVARI</b> 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
<b>CHUKUT KUK</b> 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X		X	
	2. BILLMAN LOPEZ ( )	151.10	X			
<b>GU ACHI</b> 244.9	1. TIMOTHY L. JOAQUIN ( )	122.45		X		
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45		X		
<b>GU VO</b> 226.7	1. GRACE MANUEL ( <i>Absent</i> ) (Floyd Flores) ( <i>Present</i> )	113.35		X		
	2. PAMELA ANGHILL (Roselda Lewis)	113.35		X		
<b>HICKIWAN</b> 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15		X		
	2. SANDRA ORTEGA ( )	93.15		X		X
<b>PISINEMO</b> 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
<b>SAN LUCY</b> 204.6	1. LORRAINE EILER ( )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
<b>SAN XAVIER</b> 215.8	1. HILARION CAMPUS ( )	107.90	X			
	2. OLIVIA VILLEGAS-LISTON ( <i>Absent</i> ) (Eugene Enis) ( <i>Present</i> )	107.90	X			
<b>SCHUK TOAK</b> 169.8	1. FRANCES B. CONDE ( <i>Absent</i> ) (Anthony J. Rios) ( <i>Present</i> )	84.90		X		
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
<b>SELLS</b> 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85		X		
	2. EVELYN B. JUAN MANUEL ( )	237.85		X		
<b>SIF OIDAK</b> 211.9	1. NICHOLAS JOSE ( )	105.95				X
	2. MARY LOPEZ ( )	105.95				X
<b>TOTAL</b>		<b>2,780.60</b>	<b>1,350.20</b>	<b>1,218.50</b>	<b>[01]</b>	<b>211.90 [03]</b>