

RESOLUTION OF THE PAPAGO COUNCIL

RES. NO. 95-77

STATEMENT OF FACTS

- Whereas, juveniles account for at least 5.8% of the total arrests for crimes committed on the Papago Reservation;
- Whereas, the existing Tribal Court structure has not been able to provide individualized justice or help to juveniles because it's priority has been to adult offenders;
- Whereas, the present existing juvenile program as such, has not adequately responded to the needs and problems of the increasing numbers of young people involved in crimes;
- Whereas, the present juvenile court as such, foster and protective care programs and shelter facilities are inadequate to meet the particular needs of countless, abandoned, neglected and dependent children who, because of this failure to provide effective services may and often become child offenders;
- Whereas, there is no existing Juvenile Code governing the procedures for administering Children's cases, or to protect children's rights;

PURPOSE

Therefore, it is the purpose of this resolution:

- (1) to establish a separate juvenile justice system to be known as the Papago Children's Court that will identify and provide for a thorough and prompt evaluation of the particular needs and problems of Papago Children involved with the Law;
- (2) to provide the juvenile justice system with the necessary resources, personnel and coordination to develop into a quality and effective system;
- (3) to develop and establish a Children's Code to protect Children's rights and to provide procedures for effective administration of children's cases;

- (4) to establish a centralized effort through the Children's Court and its staff to work with child offenders or potential child offenders and their parents;
- (5) to develop and improve the quality of juvenile justice on the Papago Reservation by developing critically needed alternatives to institutionalization;
- (6) to establish training programs for the persons who work with children's cases or whose work or activities relate to juvenile justice.

IT IS THEREFORE RESOLVED THAT:

ESTABLISHMENT OF CHILDREN'S COURT

- (1) There is hereby created within the Papago Tribal Court System a separate Juvenile Justice System to be called the Papago Children's Court;
- (2) Any juvenile justice programs authorized pursuant to this resolution, unless otherwise specified by the Papago Tribal Council, shall be administered by the Papago Children's Court with the advice and consent of the Papago Tribal Council;
- (3) The Juvenile Justice System will be staffed with a Children's Court Judge, a Children's Court Clerk, a Children's Court Counselor, a Children's Court Officer and two (2) Children's Court Caseworkers, and such other personnel as may be necessary in carrying out the objectives of the Juvenile Justice System;
- (4) The Children's Court Judge will exercise all necessary powers to administer the Children's Court, subject to the direction and consent of the Papago Tribal Council;

CHILD COUNSEL

- (1) The Children's Court Judge is authorized to select, appoint and employ, by and with the advice and consent of the Papago Tribal Council, the staff and personnel of the Children's Court, and to prescribe their duties and functions;

(b) The Children's Court Judge is authorized to accept and employ, in carrying out the provisions of this resolution, experts or consultants who will provide expertise and consultation to the court;

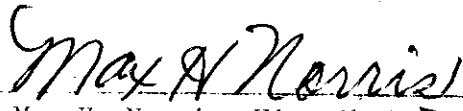
FUNCTIONS OF JUDGE

(a) The Children's Court Judge shall implement an overall policy to develop objectives and priorities for all Papago juvenile programs relating to prevention, diversion, training, treatment, rehabilitation, evaluation and overall improvement of the juvenile justice system on the Papago Reservation. In carrying out these functions, the Judge shall consult with the Papago Tribal Council and shall:

1. Advise the Council through the Chairman as to all matters relating to the operation of the Papago Children's Court;
2. Assist all agencies which have direct responsibilities to Papago children in the development and promulgation of guidelines, criteria, standards and procedures in accordance with the policies, priorities and objectives established by the Children's Court;
3. Conduct and support programs for juvenile justice and suggest alternative programs and activities supplementary to or in lieu of those currently being administered;
4. Develop and implement juvenile justice programs which are determined may have a significant bearing on the success of the entire Papago Juvenile Justice effort;
5. Develop annually and submit to the Papago Tribal Council an analysis and evaluation of the Papago Juvenile Justice System, the expenditures made, the results achieved, the plans developed and the problems in the operations and coordination of such programs.

A foregoing resolution was duly enacted by the Papago Council on the 4th day of November, 1977, at a meeting at which a quorum was present with a vote of 1065.0 for, 0 against, 0 not voting and 2 absent, pursuant to the authority vested in the Papago Council by Section 2 (h) Article V of the constitution and by-laws of the Papago Tribe, ratified by the Tribe on December 12, 1965 and approved by the Secretary of the Interior on January 17, 1967 (48 SEAR. 934) pursuant to Section 16 of the Act of June 17, 1934. Said resolution is effective as of the date of its approval by the Superintendent of the Papago Agency and is not subject to review by the Secretary of the Interior.

APPROVED:


Max H. Norris, Vice Chairman

Cecil Williams, Chairman

Superintendent, Papago Agency

APPROVED: _____

JUVENILE COURT BUDGET

1. Counselors	--	\$9,500	- \$19,000
2. Children's Counselor	---	9,500	
3. Court Clerk	--	8,500	
4. Children Officer	---	9,500	
Juvenile Law Library	---	1,500	
Training/Travel	--	5,000	
Crime Reporting Equipment	--	1,000	
Office Supplies	--	1,000	
Auto Maintenance Expenses	--	5,000	
Contingencies	---	<u>2,000</u>	
TOTAL	--	\$62,000	

November 2, 1977

Mr. Cecil Williams
Chairman of the Papago Tribe

Ms. Hilda Manuel
Juvenile Judge

Mr. Juvenile Court Budget

The primary reason for requesting a budget specifically for the Juvenile Court System is based on the fact that there is a strong and urgent need to develop a better justice system for children. This in turn is based on an assessment of existing statistics of the increase in juvenile crime. This increase in crime among young Papagos should pose serious questions of the highest priority for the Papago Indian Community. While there is an increasing concern with the crime rate among children, the lack of alternatives and information leads not to viable solutions, but, to incarceration and neglect. Tribal Judges are perplexed as how to deal with this situation. It is true that most Tribal Courts have neither the training nor the facilities to emphasize and provide a successful juvenile justice process, and, as a result there are no programs to reduce the rate of juvenile delinquency or recidivism among young offenders.

A starting point is to establish a separate Juvenile Justice System that will recognize and start to assess the needs of children brought before the court.

To do this there has to be financial support from the Tribe. The positions budgeted for the Juvenile Justice System are positions that are urgently needed and necessary in the area of Juvenile Justice programming. There is clearly a need to initiate innovative, realistic programming efforts, and this means the necessary personnel to carry out these goals. Study after study has been done as to the needs of Tribal Courts generally, but, nothing has been recommended concerning Juvenile Justice. There are a number of reasons for this, the most prevalent being the fact that juvenile law is a very complex and fairly unknown area of law. Even though children are the Tribe's most valuable resource, there has been no attempt by the Tribe to establish a comprehensive juvenile justice system. Now is the time for the Tribe to support and implement a system aimed at reducing juvenile delinquency.

VOTE OF THE PAGO COUNCIL

DATE OF MEETING: 11/4/77

RESOLUTION OR ORDINANCE NO.: 95-77

DISTRICTS	REPRESENTATIVES	NO. OF VOTES	FOR	AGAINST	NOT VOTING	ABSEN
<u>BABOQUIVARI</u> 143	1. Edward N. Kisto (Joann Garcia) 2. Louis Harvey, Sr. (Enos Francisco, Jr.)	71.5 71.5	X X			
<u>CHUKUT KUK</u> 161	1. Rosemary Lopez (Nellie Martin) 2. Harriet Toro (Henry Jose)	80.5 80.5	X X			
<u>GU ACHI</u> 108	1. Joseph P. Ramon (Stephen Listo) 2. Cipriano Manuel (Joe Cruz Jr.)	54.0 54.0	X X			
<u>GU VO</u> 47	1. Cross Antone (Edward J. Lopez) 2. William Lewis, Sr. (Juan Joe Cipriano)	23.5 23.5	X X			
<u>HICKIWAN</u> 86	1. Henry A. Ramon (James Angea) 2. Edward Manuel (Archie Pilone)	43.0 43.0	X X			
<u>PISINEMO</u> 68	1. Lamando Francisco 2. Jose Manuel, Jr.	34.0 34.0				X
<u>SAN LUCY</u> 35	1. Jeannie Morris 2. Ricardo M. Baptisto (Albert Gomez)	17.5 17.5	X X			
<u>SAN XAVIER</u> 99	1. Tony Felix (Rosemary D. Secundino) 2. Arnold Smith (Carmen Mattias)	49.5 49.5	X X			
<u>SCHUK TOAK</u> 76	1. Joseph Enriquez 2. Ramon Campillo, Jr. (Joann Francisco)	38.0 38.0		X		X
<u>SELLS</u> 139	1. Mollie Garcia (Jacob Lewis) 2. Fred Stevens (Jacob Escalante)	69.5 69.5	X X			
<u>SIF OIDAK</u> 103	1. Vincent Manuel 2. Nicholas Jose (Melissa Norris)	51.5 51.5	X X			
<u>TOTALS</u>		1065.0	1065.0	0	0	2