

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

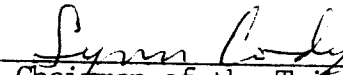
WHEREAS, the Juvenile Justice and Delinquency Prevention Act of 1974 mandates removal of juveniles from adult jails and lockups, and

WHEREAS, the Tribal Jurisdictions in the State of Arizona have expressed a willingness to participate in the National Jail Removal Initiative, and

WHEREAS, the Arizona State Justice Planning Agency (JPA), the Community Research Center (CRC) and the Tribes are jointly developing and implementing the initiative to remove juveniles from adult jails in Tribal Jurisdictions.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it supports the National Jail Removal Initiative and the Jail Removal Initiative guidelines as set forth in the attached excerpt from the Department of Justice, Law Enforcement Assistance Administration on Program Announcement Number BAC 44 1018.

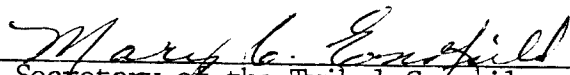
The foregoing resolution was on February 17, 1981 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 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

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Fort Apache Indian Agency
Whiteriver, Arizona


Secretary of the Tribal Council

JAIL REMOVAL INITIATIVE GUIDELINES

A. Target Population

The population expected to benefit from this initiative is juveniles (delinquents, status offenders, and nonoffenders) who are currently held in regular contact with adult criminal offenders in jails and lockups.

B. Results Sought

1. The removal of juveniles from adult jails and lockups.
2. The development and implementation of a plan for a flexible network of service and placement options for alleged juvenile offenders and nonoffenders based upon: (1) the least restrictive alternative, and (2) maintenance of a juvenile's family and community ties.
3. A planning and implementation process for removal which: (1) is based upon a recognition of youth rights and due process and which promotes the advocacy of such, and (2) uses active citizen participation and youth involvement.
4. The development and adoption of intake criteria, consistent with the standards of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other nationally recommended standards, for alleged juvenile offenders and nonoffenders who are awaiting court appearance.
5. An enhanced capacity for parents, schools, and police to resolve problems of youth in a nonjudicial manner and thus alleviate the use of jails and lockups. This includes, where appropriate, the coordination and integration of public and private child welfare services.
6. An identification and description of viable alternatives to the use of jails and lockups.

C. Problems to Address

During Phase I the following problems will be addressed:

1. Need for the use of intensive supervision in the child's home as a placement alternative.
2. Lack of emergency foster care, shelter care and independent living arrangements.
3. Lack of crisis intervention services and short-term residential crisis intervention programs which can be used for conflict mediation, emergency attention for youth with physical or emotional problems.

4. Need for the development of specific intake criteria which are based upon a presumption of release, promote utilization of the least restrictive alternative, assure the protection of a child's right to due process, and maintain a child's ties to the family and community.
 5. Lack of coordination and cooperation between law enforcement officials, the judicial sector, public and private service providers, the community in general, etc., which attributes to the inappropriate placement of juveniles in jails and lockups.
 6. Need to develop a flexible network of services and programs which is amenable to the individual local jurisdiction's needs and capabilities.
 7. Need for 24-hour intake screening services.
- D. Cooperation in the Needs Assessment and Plan Development
- Jurisdictions will assist in the following activities:
1. Training of data collectors.
 2. Design of survey instruments.
 3. Information and data analysis.
 4. Establishment of specific intake criteria.
 5. Facilitating tribal participation.
 6. Developing alternative programs and services.
 7. Program implementation.
 8. Program follow-up.
 9. Assisting in securing additional financial support from general revenue services, foundation, other Federal agencies, or other sources of financial support.

E. Phase II Financial Support

Phase II financial support will range from \$50,000 to \$200,000 and will be made directly by the National Program Coordinator to the local sites. Project periods for Phase II will range from 12 to 18 months. No additional funding is contemplated beyond the established project period.

Up to one-third of the funds received by a jurisdiction for Phase II may be used for construction or renovation purposes. All construction funds must be used for innovative, nonsecure reservation-based facilities. In addition, the erection of new buildings or the renovation of jails will not be permitted with funds acquired through this program.

F. Completing Concept Paper Requirements

1. Description of the current juvenile intake and detention processes, intake criteria, resources, constraints, legal framework (including a summary of all relevant laws and formal administrative policies and procedures bearing on the issue of detaining children in jails and lockups), and financial or funding sources.
2. Statement as to the number of adult jails and lockups in the jurisdiction and the holding capacity for both juveniles and adults in each.
3. Statement of need including a brief description as to the causes for which children are held in the local jails or lockups.
4. Total number of juvenile and adult arrests within jurisdiction for the latest 12-month period.
5. Total number of juveniles detained in each of the jurisdiction's facilities for the latest 12-month period; total number of these detained or incarcerated with adults and description of the facilities in which they are commingled.
6. A brief description of the existing jail alternatives.
7. Assurance that the court of jurisdiction is willing to reexamine its intake criteria and experiment with alternative criteria.
8. A documented statement of willingness to develop community-based or other release options, to apply local financial resources to the effort, and to adhere to national recognized standards, regulations, and guidelines pertaining to juveniles awaiting court appearance.
9. Letter of support from local juvenile court officials, law enforcement officials and local child service providers which demonstrate a commitment to removing children from adult jails and lockups.

G. Evaluation Requirement

1. An independent evaluation of this program is planned, to be undertaken by an independent evaluator selected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). The evaluator and OJJDP will select projects for intensive evaluation. All projects must indicate a commitment to participate in the evaluation.
2. In addition to the normal self-assessment and monitoring activities, all Phase II participants must propose an evaluation plan for their project.
3. Participants may be required to modify their proposed project's specific evaluation plans in order to be integrated into the national level program evaluation design to be developed by the independent national evaluator.

4. All participants must indicate in advance their willingness to cooperate fully with the national evaluator and to participate in the program evaluation.

H. Civil Rights Compliance Requirements

Those who are selected for funding under this program will be required to comply with the following:

Each recipient of OJARS assistance within the criminal justice system which has 50 or more employees and which has received grants or subgrants of \$25,000 or more pursuant to and since the enactment of the Safe Streets Act of 1968, as amended, and which has a service population with a minority representation of three percent or more is required to formulate, implement and maintain an EEOP. Where a recipient has 50 or more employees, and has received grants or subgrants of \$25,000 or more and has a service population with a minority representation of less than three percent such recipient is required to formulate, implement and maintain an EEOP relating to employment practices affecting women. This requirement shall be satisfied prior to the receipt of funds.

Applicants that do not meet any of the above criteria, educational institutions, public and/or private non-profit agencies, shall maintain such records and submit to the OJARS upon request timely, complete and accurate racial and ethnic data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program or activity funded in whole or in part with funds made available under this initiative because of their race, color, national origin, religion, or handicap status.

In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or subcontracts with any other person or group, such other recipient, person or group shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out and assure its civil rights compliance obligations under the award.