


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

- WHEREAS,** the Tribal Attorney advises the Tribal Council that there is a need to streamline and reorganize the adult and juvenile prosecutors' offices by combining the adult and juvenile prosecution offices into a single Prosecution Unit to provide higher quality service and to enhance the administration of justice on the Reservation; and
- WHEREAS,** attached to this Resolution and incorporated by reference herein is a proposal for the Tribal Council's consideration for a proposed budget and for appointment of the Adult Prosecutor, Cheryl Martin, as Chief of a unified Prosecution Unit; and
- WHEREAS,** the present Secretarial position for the Adult Prosecutor's office would be reclassified as an Administrative Assistant/Tribal Prosecutor Advocate who, in addition to current duties, would become licensed as a Tribal Court Advocate to assist the Adult Prosecutor as necessary in the presentation of criminal cases to the court; and
- WHEREAS,** the only new position will be that of a Juvenile Prosecutor Advocate who will process and present to the Juvenile Court cases involving dependent and neglected children, thereby allowing the Juvenile Prosecutor to concentrate on criminal offenses committed by juveniles; and
- WHEREAS,** the job description for the Adult Prosecutor, Juvenile Prosecutor, Administrative Assistant/Adult Prosecutor Advocate, and Juvenile Prosecutor Advocate are attached to the Resolution together with a salary classification and budget; and
- WHEREAS,** the Tribal Attorney requests that the Tribal Council authorize the reorganization of the Prosecution Unit as outlined herein and that the organization be effective immediately with the budget as attached hereto.
- BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Attorney to reorganize the Prosecution Unit within the Legal Department as outlined in this Resolution and the attached organization chart.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes a budget for the Adult Prosecution Unit as itemized in the budget justification attached to this Resolution.

The foregoing resolution was on March 08, 1995, duly adopted by a vote of nine 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), (h), (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).


Chairman of the Tribal Council


Secretary of the Tribal Council

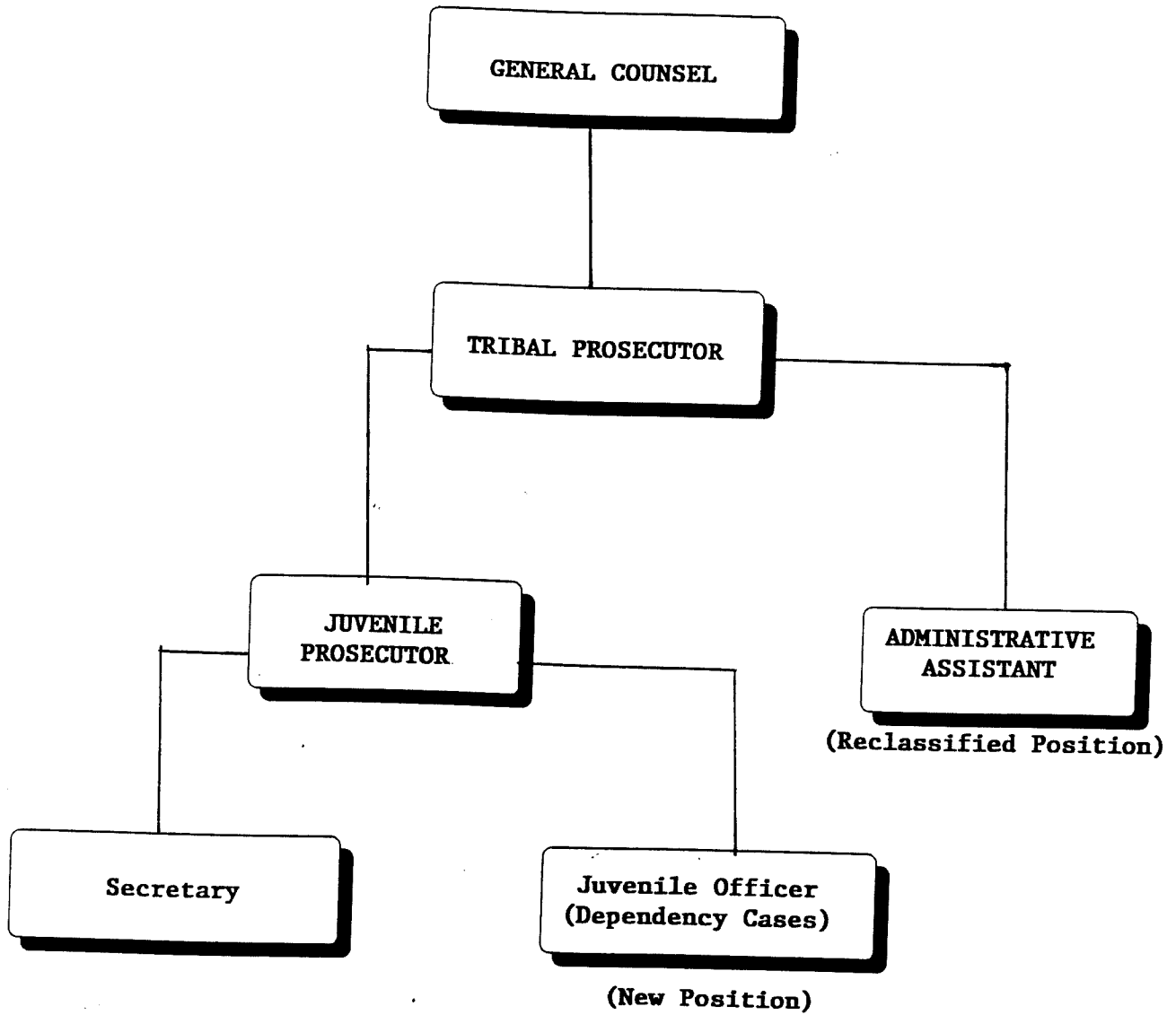
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WHITE MOUNTAIN APACHE TRIBE
VICTORIO, ARIZONA

ORGANIZATIONAL CHART

PROSECUTION UNIT



PROSECUTION POSITION DESCRIPTIONS/SALARY RANGES

TRIBAL PROSECUTOR:

Under the supervision of General Counsel, establish, organize, and administer prosecution of adult and juvenile offenses including, but not limited to: procedures, forms, statistical record keeping, and budget strategy. Review adult criminal complaints prior to filing. Confer with and give advice to Tribal Court. Train and consult with law enforcement agencies including Whiteriver Police department, Game & Fish, BIA, FBI, and U.S. Attorney's Office. Interview witnesses, victims, experts, and others to prepare for trial and/or resolution of cases. Legal research. Prepare and argue motions before the court. Initiate investigation of criminal and quasi-criminal matters. Determine program goals and resource needs. Network with tribal prosecutors from other tribes and other governmental agencies, Legal Services, social services, Guidance Center, and other social service providers. Meet with tribal members regarding legal questions. Coordinate pre-trial hearings with pro-per defendants and defense attorneys. Negotiate settlements with pro-per defendants and defense counsel. Conduct trials, including examination and cross-examination of witnesses and argue Tribe's position for sentencing. Attend staff meetings, law enforcement meetings, judicial meetings, training, law seminars and workshops. Prosecute Class 3 & 4 Game & Fish violations. Directly supervise Administrative Assistant and Juvenile Prosecutor's office. Organize and coordinate task force to review and recommend modifications to criminal code, juvenile code, and criminal procedure. Represent Tribe at Navajo County Council on Domestic Violence. Serve as Special Assistant United States Attorney to prosecute non Native Americans who commit alleged criminal violations on the fort apache Reservation (application pending). Attend CPT meetings. Review law enforcement policies and procedures. Provide training materials to law enforcement agencies. Develop and implement ongoing programs to meet the needs of the criminal justice system. Other duties as directed. (Requested salary: \$55,000)

ADMINISTRATIVE ASSISTANT/PROSECUTION ADVOCATE:

Reclassified Position: Under the supervision of the Tribal Prosecutor; General legal secretarial duties. Prepare and maintain statistical data on number and types of cases handled by the prosecution unit. Legal Research. Coordinate and maintain appointment and court calendars for Tribal Prosecutor. Work closely with court personnel to maintain records for Prosecutor's office. Attend pre-trial conferences at Tribal Court and convey offers of settlement to defendants and/or defense counsel. Establish working relationship with schools to provide education and to determine feasibility of developing a truancy mediation program. Interview ad counsel victims and witnesses. Interface with and refer victims to appropriate community service providers. Attend staff meetings, training, law seminars, and workshops. Obtain license to practice law on the Fort Apache Indian Reservation and before the White Mountain Apache Tribal Courts. Ability to speak Apache preferred. (Salary: \$18,000; after 6 months probation - \$19,000).

JUSTIFICATION FOR REORGANIZATION OF PROSECUTION UNIT

The following is a description of the Adult Prosecutor's duties and responsibilities, as well as additional duties which have been discussed:

Establish, organize, and administer prosecution of adult misdemeanor offenses, including but not limited to: procedures, forms, statistical record keeping, and budget strategy. review complaints submitted to the court. Confer with and give advice to Tribal Court. Train and consult with law enforcement agencies including Whiteriver Police Department, Game & Fish, BIA, FBI, and U.S. Attorney's Office. Interview witnesses, victims, experts, and others to prepare for resolution of cases. Prosecution representative to Child Abuse Prevention Team. Legal research. Prepare and argue motions before the court. Initiate investigation of criminal and quasi-criminal matters. Determine program goals and resource needs. Network with tribal prosecutors from other tribes and prosecutors from other governmental entities, Legal Services, social services, Guidance Center, and other social service providers. Meet with tribal members regarding legal questions. Coordinate pre-trial hearings with pro-per defendants. Negotiate settlements with pro-per defendants and defense counsel. Conduct trials, including examination and cross-examination of witnesses and argue sentencing. Attend staff meetings, law enforcement meetings, judicial meetings, training, law seminars and workshops. Prosecute select Game & Fish violations. Supervise secretary. Organize and coordinate task force to review and recommend modifications to criminal code, juvenile code, and criminal procedure. Other duties as directed.

Additional duties under discussion:

- (1) Supervise juvenile prosecution staff;
- (2) Special Assistant to U.S. Attorney to prosecute in federal court non-Indian misdemeanor violations (application pending):
- (3) Expand, develop, and supervise additional prosecution unit position, including: tribal advocates, administrative assistant, and clerical.

Attached is a copy of the job descriptions/salary ranges received from the Navajo Nation, and the salary survey conducted by George Hesse.

The Attorney (Level III) position with the Navajo Nation pays \$45,000 - \$61,000 per year and requires a J.D. and 4 years experience. Navajo County - Attorney 3 - requires 3 years experience and the salary range is \$46,218 - \$62,530 per year. A class 3 attorney for the City of Phoenix pays \$49,000 - \$77,000 per year.

Sherry Martin has eight years experience as a licensed attorney.

JUVENILE PROSECUTOR:

Under the supervision of Tribal Prosecutor, work closely with law enforcement, Juvenile Court, Probation officer, and social services. Review petitions. Interview victims, experts, and witnesses. Maintain records and statistical data. Legal research. Appear in court on Juvenile delinquency matters. Assign cases to and supervise juvenile Officer and neglect/dependency matters. Assist in adult cases when appropriate and necessary. Attend staff meetings, judicial meetings, training, law seminars, and workshops. supervise secretary. Other duties as directed. (638 contract funds)

LEGAL SECRETARY:

General secretarial duties including: answering telephone; typing; computer; word processor; open files; prepare and maintain statistical data; prepare court documents; maintain calendar of attorney and advocate court appearances and appointments. (638 contract funds)

JUVENILE OFFICER:

(New Position) Under the supervision of Juvenile Prosecutor, represent Social services in dependency neglect court hearings. Review petitions with social services and law enforcement. Interview parents, guardians, providers, and minors when appropriate. Maintain case files. Prepare statistics. Attend staff meetings, training, law seminars, and workshops. Oral presentation to Juvenile Court on child neglect and abuse cases. Obtain license to practice law on the Fort Apache Indian Reservation and before the White Mountain apache Tribal Courts. Work closely with social services, law enforcement, and other community providers. Legal research. Bachelor of Science in social work or related field with working knowledge of criminal justice as it relates to juveniles. apache speaking preferred. (Salary: \$20,000 to \$22,500)