



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

(Approving Briefing Paper on Criminal Justice Needs submitted by Vice Chairwoman Margaret Baha-Walker and requesting that the BIA adequately fund the Police Dept.)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, the Tribe's Police and Corrections Departments are in need of substantial financial support; and

WHEREAS, currently, the Tribe funds 80% of the Police and Corrections Department's budgets, and the Bureau of Indian Affairs funds the other 20% through two P.L. 93-638 contracts; and

WHEREAS, the Tribe finds that the BIA's contribution is insufficient and needs to be increased to meet the criminal justice needs of the Tribe; and

WHEREAS, the Tribal Council has reviewed a Briefing Paper on Criminal Justice Needs for the White Mountain Apache Tribe submitted by Vice Chairwoman Margaret Baha-Walker that calls for increased federal funding of the Tribe's Police and Corrections Departments and supports the assertions made therein; and

WHEREAS, the Tribe has repeatedly asked the BIA for technical assistance on how to increase federal funding, and the BIA has promised this assistance, but has not followed through; and

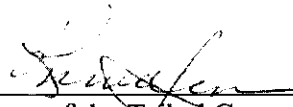
WHEREAS, due to the insufficient funding of the Tribe's Police and Corrections Departments, the Tribal Council finds that it is in the best interest of the Tribe to approve the aforementioned Briefing Paper and to request that the BIA adequately fund the Tribe's Police and Corrections P.L. 93-638 contracts or the Tribe may be faced with the possibility of retroceding these programs back to the BIA.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the Briefing Paper on Criminal Justice Needs for the White Mountain Apache Tribe submitted by Vice Chairwoman Margaret Baha-Walker and requests that the BIA adequately fund the Tribe's Police and Corrections P.L. 93-638 contracts.

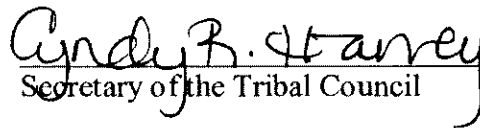
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

Resolution No. 10-2008-250

The foregoing resolution was on October 16, 2008, duly adopted by a vote of EIGHT for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (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

**Briefing Paper on Criminal Justice Needs
for the
White Mountain Apache Tribe**

**Submitted by
Vice Chairwoman Margaret Baha-Walker**

Introduction

The Fort Apache Indian reservation is the homeland of the White Mountain Apache Tribe and is located in Central Eastern Arizona and includes portions of Gila County, Navajo County and Apache County. The Fort Apache Indian Reservation is a remote rural area, 190 miles from the nearest major city and there are 23 established communities and housing projects. There are four communities that are located in rural areas of the reservation; the furthest from Whiteriver is 45 miles away. The reservation encompasses 1.6 million acres of land with desert low land and mountainous high lands. The community of Whiteriver serves as the capital and is the location of the tribal headquarters. The police department and the adult detention facility are located in Whiteriver. There is a permanent population of approximately 18,000 residents living in 23 remote communities; they include tribal members, non-members and other tribes. The White Mountain Apache Tribe offers year round outdoor recreational activities and has several lakes and several hundred miles of streams. The tribe owns and operates a ski resort and a resort/casino. The population increases throughout the year as people come to visit the reservation and participate in recreational activities and annual events throughout the year.

Whiteriver Police Department

The White Mountain Apache Tribe Police Department is responsible for providing Police and Detention Services to our community and to the numerous amounts of summer and winter visitors who patronize our enterprises daily. The number of calls for service and the crime rate has increased dramatically over the last several years. This is due to the increase of alcohol and drug abuse which directly or indirectly contributes to criminal activity along with a detention facility which is old and does not have the capacity to house inmates who are sentenced to incarceration by the tribal court system. The Juvenile Detention facility has been closed since 2003, due to an executive order for closure issued by the Bureau of Indian Affairs, Law Enforcement Office. The Police Department or Detention Bureau has to transport juvenile offenders as far as the State of Colorado or State of New Mexico to be housed which is over 600 miles round trip. The White Mountain Apache Tribe has also seen a drastic increase in criminal street gang activity due to the shortage of Police Officers, Detention Officers, Tribal Prosecutors, Support Staff and inadequate funding for these essential positions.

The White Mountain Apache Tribe Police Department responds to approximately 80,000 calls for service annually, many of these calls are for service are crimes of violence. The Police Department currently has 19 sworn officers, we have been allocated 40 Police officer positions by the Tribal Council. But have had difficulty in recruiting due to the fact that we cannot compete with the salaries offered by larger more affluent communities. Therefore, our Police Officers have been placed in harms

way, sometimes responding to violent crime calls with only one Police Officer. In order for the White Mountain Apache Tribe Police Department to provide adequate service to the community that it serves, salaries need to be raised to be competitive with other Native American Communities such as Gila River Indian Community, Salt River Pima-Maricopa Indian Community, Fort McDowell Indian Community and Tohono O'odham Indian Community.

The White Mountain Apache Tribe funds approximately 80% of the budget for the Police Department and the Bureau of Indian Affairs P.L. 93-638 contract provides the additional 20% of the law enforcement budget.

The goal of the White Mountain Apache Tribe Police Department is to recruit highly qualified Police candidates and bring the staffing level of certified Police Officers to sixty-five, which would be adequate to provide law enforcement services to all of the established communities located within the jurisdictional boundaries of the White Mountain Apache Tribe.

The White Mountain Apache Tribe Police Department is currently housed in an old building that was constructed in the early 1960s which has inadequate office space with the communication center "crammed" into a small room with no recording equipment for incoming emergency telephone calls or dispatched calls. This is a serious safety issue not only to the public but to the Police Officers being dispatched to emergency radio traffic.

The Police "squad room", Records Bureau and Evidence Room are housed in three old and dilapidated modular trailers located directly behind the Police Department. The Department also has a sub-station in the community of Cibecue which is also an old dilapidated modular trailer.

In order for the White Mountain Apache Tribe Police Department to provide the necessary law enforcement services to members of the White Mountain Apache Tribe and to the summer and winter visitors who patronize our community regularly, we will need to raise the salaries of Police and Detention Personnel to a competitive level with similar Native American communities and surrounding law enforcement agencies. The following staffing, facilities and equipment will be necessary in order for our agency to achieve this goal.

Funding Needs:

Staffing & Benefits (Officers, Staff Support, Records Staff, Evidence Staff, Clerical and additional support)	\$6,787,285
Technology	\$ 597,500
Equipment	\$1,276,000
Fuel Costs	\$ 240,000
Training	\$ 104,000

Uniforms & Equipment	\$ 182,000
Construction of Buildings (Construction of Law and Order building and Cibecue substation)	\$ 8,250,000
TOTAL BUDGET NEED FOR POLICE DEPARTMENT	<u>\$17,438,785</u>

Department of Corrections

The Police Department and the Adult Detention Facility operate out of the same building. The building was constructed by the Bureau of Indian Affairs in 1968 and originally the Police, Detention, and Court programs were located within the same building. The facility was designed strictly for housing the Adult inmate population. There was not any Juvenile detention area. The capacity of the facility was 120 beds. In 1988 the building was renovated by the BIA, Office of Facility Management and Construction, after the construction was finish the bed total was 45. To comply with detention standards 88 beds were removed to create more individual cell space. Two separate cell blocks were attached to the original building and created detention sections for Juvenile offenders, 9 Juvenile male beds and 8 Juvenile female beds. The facility bed count was now 28 adult beds and 17 juvenile beds, we went from 120 beds to 45 beds total. The detention facility have been overcrowded almost everyday since 1988 with just the adults. While the tribal population has grown drastically the facility capacity has remain the same.

In 2003 the Bureau of Indian Affairs Law Enforcement Services issued two special orders that affected all Indian country detention facilities. They were, OLES Special Order #04-003 Removal of Juveniles from Adult Detention Centers and OLES Special Order #04-004 Detention Overcrowding. With the closing of the juvenile cell blocks juvenile offenders must be transported off reservation and out of state to either Gallup, New Mexico or to Towaoc, Colorado where the BIA has contract beds for our juveniles. It is obvious to see the logistical problems and strain on the departmental resources, police officers, vehicles, gas, travel cost, court, probation and prosecution program, the offender and family. The trip to the off reservation facility in Colorado is over a six hundred mile round trip. As for the overcrowding, today the daily average inmate population is 60 and on weekend the inmate population reaches the 90's.

In 2005 the BIA split all the detention programs from Law Enforcement and all detention programs in Indian country became a separate contract. The White Mountain Apache Corrections Program is funded solely by the Public Law 638 Contract with the Bureau of Indian Affairs. The contract covers detention positions and cook positions, food purchases, detention supplies and inmate supplies. The tribe contributes funding for five incoming detention officer positions. The contract funds need to be increased for the program to develop and flourish.

Following is a breakdown of the Funding Need for the White Mountain Apache Tribe Department of Corrections.

Funding Need for Detention Services

New Adult and Juvenile Detention Facility

In 1993 the White Mountain Apache Tribe, recognizing that the facility is very outdated and inadequate started on plans to construct a new juvenile detention facility. Through out the years the tribe pursued the plans and made request to the Bureau of Indian Affairs to construct a much needed detention facility to no avail. In 2000 the White Mountain Apache Tribe was determined to build a new detention facility and started soliciting for funds. The Department of Justice also had funds available for construction of new facilities in Indian County but the tribe was not one of the selected tribes to receive funds. The tribe continued to seek funds and was successful in secured two grants to build an adult and juvenile detention facility; construction started in February this year and will be completed one year from now. It is important to note that this is a 'trust' responsibility of the Bureau of Indian Affairs while there was no plan to build a much needed new detention facility by the BIA, it is the tribe that has had to use its own resource to receive these grants. By the completion of the new detention facility the tribe will have contributed 8.5 million of resources.

As all construction goes we have had to redesign the new building to reflect the funds that we have to build with. The design is two tiered cell pods. We originally had designed the capacity to be 120 beds; we had to reduce that to 77 beds due to not having enough funds to complete part of the second tier. We had planned to have new kitchen equipment; we are going to have to use the old equipment from the old building and we are going to have to use the old laundry equipment. We need funds to finish the facility properly with adding 50 more beds that were removed from the original bed space capacity and add utilities, new equipment, and pavement.

Total Funds To Complete Adult and Juvenile Facility: \$1,500,000

Expansion Juvenile Facility

The tribe has a need for a separate Juvenile Facility. Currently the new detention facility under construction will house adult male and female offenders and juvenile male and female offenders due to the no funding available a separate building can not be built.

Total Funds To Construction of New Juvenile Facility: \$10,000,000

Staffing

To provide proper and necessary detention services to the White Mountain Apache Tribe and Native American Indians, salaries need to be increased to competitive levels. This will allow the detention program to recruit and retain quality staff members and offer a career in corrections. Staffing is for detention program per year.

• Position	Salary	Benefits	Total
(1) Director of Corrections	95,000	27,550	122,550

(1) Adult Corrections Director	85,000	24,650	109,650
(1) Juvenile Corrections Director	85,000	24,650	109,650
(2) Captain, Adult/Juvenile	70,000 (x2)	20,300 (x2)	180,600
(3) Lieutenants	63,000 (x3)	18,270 (x3)	243,810
(10) Sergeants	55,000 (x10)	15,950 (x10)	709,500
(40) Corrections Officers Adult/JV	44,500 (x40)	12,905 (x40)	2,296,200
(1) Food Services Supervisor	55,000	15,950	70,950
(3) Cooks	40,000 (x3)	12,760 (x3)	474,840
(1) Compliance & Training	37,000 (x2)	10,730 (x2)	95,460
(1) Records Supervisor	43,000	12,470	55,470
(4) Records Clerks	37,000 (x4)	10,730(x4)	190,920
(4) Secretary/Reception	33,000 (x4)	9,570 (x4)	170,280

Total Funds Staffing & Salaries: \$4,829,880

Equipment

The detention program will need vehicles for transporting of inmates to court and hospital and for general transportation for administrative purposes. All vehicles will require radios and transport vans will require safety seats and protective screens. Replacement in three years.

- Vehicles

(8) Multi-Passenger Vans	40,000 (x8)	320,000
(8) Administrative Vehicles	30,000 (x8)	240,000

Total Funds Detention Program Vehicle: \$560,000

- Computer Program

Detention records management and administration computer programs.

Total Funds Computer Management System: \$500,000

- Computers

Computer equipment and hardware for corrections administration.

(6) Lap Top Computers	1,500 (x6)	9,000
(10) Commuters w/Printers	7,000 (x10)	70,000

Total Funds Computer Equipment: \$ 79,000

Fuel Cost

Fuel and oil cost for 24 hour seven days a week detention service per year.

- Gasoline Fuel

(1,000 gal. per month @ 4.00 per gal)

4,000 per month (x12)

Total Funds Vehicle Fuel:

\$48,000

Food Service

Food prices are increasing and are expected to keep going up; we will have to triple our current food budget to be able to provide nutritious meals for the inmate population. The facility will have a larger capacity and will require more food supplies per year.

Total Funds Food:

\$16,500

TOTAL BUDGET NEED FOR CORRECTIONS DEPARTMENT:

\$17,533,380

The White Mountain Apache Tribe Department Corrections is anticipating the completion of the new detention facility and the hope that the funds can be secured for the program to succeed and provide professional correctional and detention services to the people of the Fort Apache Indian Reservation.

TOTAL BUDGET NEED FOR POLICE DEPARTMENT

\$17,438,785

TOTAL BUDGET NEED FOR CORRECTIONS DEPARTMENT:

\$17,533,380

GRAND TOTAL BUDGET

\$34,972,165

***(CRIMINAL JUSTICE NEEDS
FOR WHITE MOUNTAIN APACHE TRIBE)***

Summary

As in all of Indian Country, the White Mountain Apache Tribe is faced with an ever growing financial need to sustain our criminal justice system. To effectively protect the safety of our people, every effort must be made to secure these resources for ours and that of our future generations.