



**WHITE MOUNTAIN APACHE TRIBE**  
A Sovereign Tribal Nation

**(Approving Amendments to the Tribe's Parole Board Policies and Procedures)**

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**WHEREAS,** The Constitution of the White Mountain Apache Tribe of the Fort Apache Indian Reservation provides, at Article IV, Section 1(s) that the Tribal Council ("Council") shall exercise the power "To regulate subordinate organizations..."; and

**WHEREAS,** The Tribe's Rules of Criminal Procedure Rule 7.3 establishes a Parole Board, "...for the purpose of hearing and adjudicating all post-sentencing motions filed by defendants or the Tribe"; and

**WHEREAS,** The Parole Board has been meeting with the Tribe's Office of the Attorney General to amend its own Policies and Procedures ("P&P"), and this day presents a draft amended P&P to the Council for its review and approval (draft amended P&P attached and incorporated herein by reference); and

**WHEREAS,** The Council has reviewed the draft amended P&P, and finds that its adoption will clarify the roles and responsibilities of the Parole Board, and is in the best interest of the Tribe and its members.

**NOW THEREFORE, BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the attached amended White Mountain Apache Parole Board Policies and Procedures is hereby approved.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

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

**Resolution No. 09-2019-187**

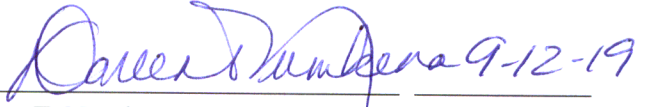
The foregoing resolution was on **SEPTEMBER 12, 2019** duly adopted by a vote of **SIX** for, **THREE** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



9-12-19

Gwendena Lee-Gatewood, Chairwoman

Date



9-12-19

Doreen T. Numkena, Tribal Secretary

Date

**RULE 7.3 PAROLE, REVOCATION BOARD**

~~A. Authority. A Parole Board shall be instituted convened for the purpose of considering or granting hearing and adjudicating all post-sentencing motions for 2/3 release, temporary release, and transport orders filed by or on behalf of defendants or by the Tribe. The Parole Board shall have the sole jurisdiction to grant 2/3 release and temporary release, except in cases of work release ordered by the court at the time of sentencing.~~

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~~B. Composition. The Parole Board shall consist of three persons: the Director of the Department of Corrections ("Director"), the Chief of Police, and the Chief Ranger the Supervisor of the Department of Corrections ("Supervisor"), and a third Detention Officer to be selected by the Director and the Supervisor. All Motions for Temporary Release, Motions for Early Release or Suspension of Sentence, and all motions pertaining to conditions of confinement shall be heard and adjudicated by the Parole Board.~~

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~~B. Conditions for 2/3 Release. Any person sentenced by the court to detention or labor may be eligible for parole 2/3 release upon a showing of good behavior while serving his or her current sentence, and only after serving at least two thirds (2/3) of his or her the sentence, at such time and under such reasonable conditions as are set by subject to the discretion of the Parole Board. The Parole Board may also consider the person's history of recidivism and other factors deemed appropriate to protect the safety of the community and of the victim and to punish the offense.~~

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~~C. Conditions for Temporary Release. At the discretion of the Parole Board, any person sentenced by the court to detention may be considered for temporary release for wakes and funerals, medical appointments, work release, or medical emergencies; subject to evidence that the inmate does not pose an unreasonable threat to the safety of the community or flight risk.~~

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~~C. Any person who violates the conditions of his or her parole may be required by the Parole Board to serve the whole of the original sentence, provided that such parole revocation shall not be ordered without a hearing before the court at which the offender shall have the opportunity to explain his or her actions.~~

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