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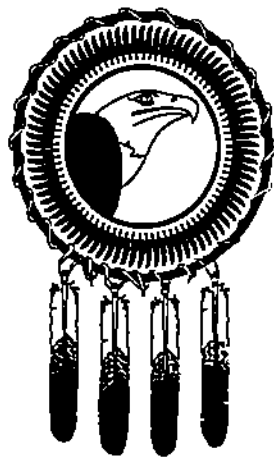
Jiway Gwavo The War Room: Building a Hualapai Department of Justice

by

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JIWAY GWAVO

THE WAR ROOM



PREPARED FOR THE HUALAPAI TRIBE

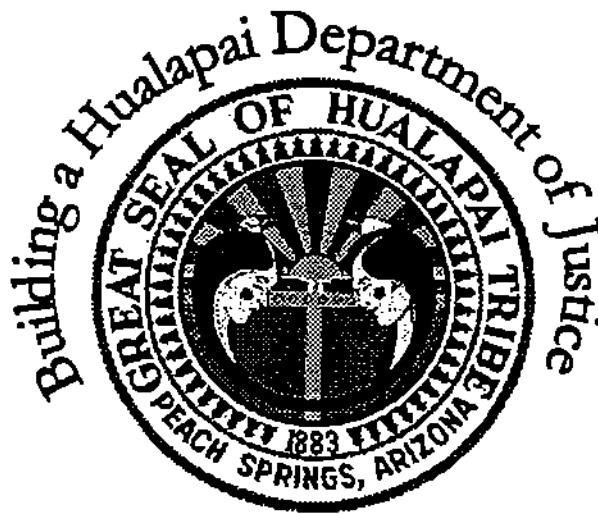
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The Hualapai Tribe
Peach Springs, Arizona
April 2000

PREFACE AND ACKNOWLEDGEMENTS

This report was prepared for the Hualapai Tribe upon their request. We would like to thank the Hualapai for their hospitality during the site visits and their candor during interviews. It is our sincere hope this report will be of assistance as the Hualapai strive to strengthen their justice system and build a Hualapai Department of Justice. We would also like to thank the Harvard Project on American Indian Economic Development for their assistance.

**JIWAY GWAVO
THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

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Jiway Gwavo The War Room

Building a Hualapai Department of Justice

Executive Summary



EXECUTIVE SUMMARY

THE VISION OF THE HUALAPAI TRIBE

- ◆ Promote Peace and Order
- ◆ A Healthy Community
- ◆ Economic Independence
- ◆ Sustainable Environment
- ◆ A Self-Governing Nation

THE MISSION OF THE HUALAPAI DEPARTMENT OF JUSTICE ~JIWAY GWAVO~

- ◆ Hualapai Philosophy meaning War Room or Fight Talk¹
- ◆ HDOJ as a War Room
 - Nexus of tribal resources brought together to battle the social problems
- ◆ Using Fight Talk
 - Assist HDOJ team members and community to take an offensive stance against social problems

THE ROLE OF A HUALAPAI DEPARTMENT OF JUSTICE

- ◆ Strengthens the Tribe
 - Strengthening sovereignty
 - Fostering economic development
 - Using Hualapai values in creating a *Hualapai* Department of Justice
 - Making Hualapai a safer place to live
- ◆ Helps the Tribe Achieve its Vision
 - Combining resources to efficiently administer justice
 - Coordinating available resources to combat social problems
 - Drafting laws that protect economic development and natural resources for future generations
 - Promoting self-governance by becoming less reliant on state and federal government

THE RELATIONSHIP OF THE HUALAPAI DEPARTMENT OF JUSTICE AND TRIBAL COURT

- ◆ The Hualapai Department of Justice and Tribal Court form a partnership to
 - Administer justice
 - Provide checks and balances
 - Create a balanced justice system

OBSTACLES TO THE VISION

- ◆ Obstacles prevent current justice system performing at its capacity
- ◆ Obstacles include
 - Lack of communication within the justice system and the community
 - Inequity or appearance of inequity
 - Disorder within the system and the agencies
 - Weak laws

STEPS TO OVERCOME THE OBSTACLES

- ◆ Eliminating political interference in the justice system
- ◆ Improving coordination and communication
- ◆ Increasing community involvement
- ◆ Strengthening laws and law enforcement

¹ There are other meanings of Jiway Gwavo, but for this paper the only meaning we intend is war room or fight talk.

JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

ORGANIZATION PLAN

FOR DEVELOPING

THE HUALAPAI

DEPARTMENT OF JUSTICE

- ◆ The Plan: Coordinating the existing resources and creating additional resources to compliment and complete the justice system
- ◆ HDOJ includes
 - Establishing the Hualapai Law and Order Committee as an advisory board
 - Creating a position for Attorney General
 - Restoring the office of the Public Defender
 - Merging various committees that draft laws to become the Office of Law and Policy
 - Moving the Prosecutor under the supervision of HDOJ
 - 638^{ing} law enforcement and corrections

IMPLEMENTATION

OF THE ORGANIZATION PLAN

- ◆ The Four Phases build upon one another and move Tribe towards a HDOJ
- ◆ Getting Started – Immediate Steps
 - Delegate authority to Law and Order Committee to develop HDOJ
 - Schedule first monthly meeting for all justice system agencies
 - Draft Attorney General job description
- ◆ Phase One – The First Six Months
 - Begin monthly meetings
 - Draft HDOJ statute
 - Develop funding base
 - Designate liaisons
 - Select Community Service Officers
 - Improve Image

- ◆ Phase Two – The Next Six Months
 - Adopt HDOJ statute
 - Seek Attorney General
 - Solidify MOU with BIA police
 - Continue monthly meetings
 - Restructure justice agencies to create HDOJ
 - Build HDOJ support
 - Continue budget process
 - Train HDOJ staff
- ◆ Phase Three – The Next Year and the Future
 - Create flexible HDOJ
 - Construct a Hualapai Hall of Justice
 - 638 all justice agencies
 - Create a self-sustaining HDOJ
 - Select Deputy Attorney Generals
 - Continue staff training and community education

LEARNING FROM

OTHER DEPARTMENT OF JUSTICE

MODELS

- ◆ Salish and Kootenai Tribes do not possess a Department of Justice structure, and choose to focus on individual agencies
- ◆ Tohono O'odham's Department of Public Safety coordinates law enforcement
- ◆ Bulgaria, now separate from the Soviet Union, illustrates several reforms and highlights the difficulties many nations face as they strive to improve their justice systems

Jiway Gwavo The War Room



**THE
VISION**

Building a Hualapai Department of Justice

The Vision

THE VISION OF THE HUALAPAI NATION

Why a Vision?

For a nation to accomplish any goal, it must have a vision of what the people desire for the future. The Hualapai Nation has taken several steps in defining their future, two of which are important to this project. First, the Hualapai Tribe, through their Constitution, has identified that the administration of justice is an important duty of the tribal government. To further this belief they are considering the development of a Hualapai Department of Justice, the focus of this report. Second, the Hualapai are laying the framework for their future through a strategic plan they are drafting that delineates the Nation's vision for the future.

The Hualapai Vision

The vision of the Hualapai Nation, as outlined by the Hualapai Constitution and the Strategic Plan, includes maintaining peace and order through the administration of justice, attaining a healthy community that lives within a sustainable environment, achieving economic independence and creating a strong self-governing nation.¹

a) Peace and Order

The Preamble of the Hualapai Constitution states one of several different purposes for adopting the Constitution is to "maintain peace and order through the establishment and administration of justice."²

VISION OF THE HUALAPAI TRIBE

HUALAPAI TRIBE

Peace and Order
Healthy Community
Economically Independent
Sustainable Environment
Self Governing Nation

¹ Hualapai Nation, Strategic Plan, Draft, July 8, 1999 p.1-5, Constitution of the Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona, Preamble, p. 1.
² Constitution, *supra* note 1, p.1.

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BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

An effective administration of justice maintains peace and order within the Tribe. Not only does it protect individuals within the community, it strengthens the sovereignty of the Tribe, encourages economic development, and allows the Tribe to administer Hualapai justice, consistent with Hualapai traditions and culture, which are many of the goals the Hualapai Constitution was designed to meet.³

b) A Healthy Community

The health of a community begins with individuals and extends outward to the health of the entire community.⁴ It encompasses spiritual, mental, physical, emotional well being, cultural awareness, balance, wholeness, and the well being of individuals and the community.⁵ A healthy community includes children, a very precious asset of the Tribe. The youth must receive special attention to ensure they receive an education not only in the mainstream academics, but also in their culture and traditions.⁶ They must not be abused or neglected and have families that love and teach them. Without healthy children that grow into talented and hardworking adults, the Tribe cannot flourish.

c) Economic Independence

Economic independence encompasses an educated and skilled workforce within the Hualapai Nation.⁷ Also, the Hualapai people must be economically empowered. To be economically independent requires ordinances and codes to protect and regulate the tribal and individually owned businesses.⁸ Furthermore the Hualapai are striving to promote private enterprises as well as government enterprises.⁹

d) A Sustainable Environment

A third element of the vision, a sustainable environment, is extremely important to the Hualapai people. Portions of the Grand Canyon lie within the boundaries of the Hualapai Reservation. It is extremely important to the Hualapai people to protect the Grand Canyon and its natural resources while developing it through the Hualapai Grand Canyon Management Plan.¹⁰ The Hualapai seek to make the Grand Canyon available to tourists, develop their tourism industry, and strive to do so in a manner that protects the environment.

e) A Self Governing Nation

Perhaps the most important aspect of the vision, as the other elements depend upon it, is the Hualapai Nation's desire to become a strong, self-governing nation. This includes a Tribal Council that is paid full-time and the Council members are role models for community members and other tribes.¹¹ Also, all tribal ordinances and codes must be drafted and enacted and there must be continuity from one Tribal Administration to the next.¹² Moreover, to promote Hualapai language and culture, the Tribe strives to use their language in Tribal Council meetings and make documents available in the Hualapai language.¹³

³ Constitution, *supra* note 1, at p. 1.

⁴ Strategic Plan, *supra* note 1, at p. 1.

⁵ *Id.* at p.2.

⁶ Strategic Plan, *supra* note 1. at p.4.

⁷ *Id.* at p. 1.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

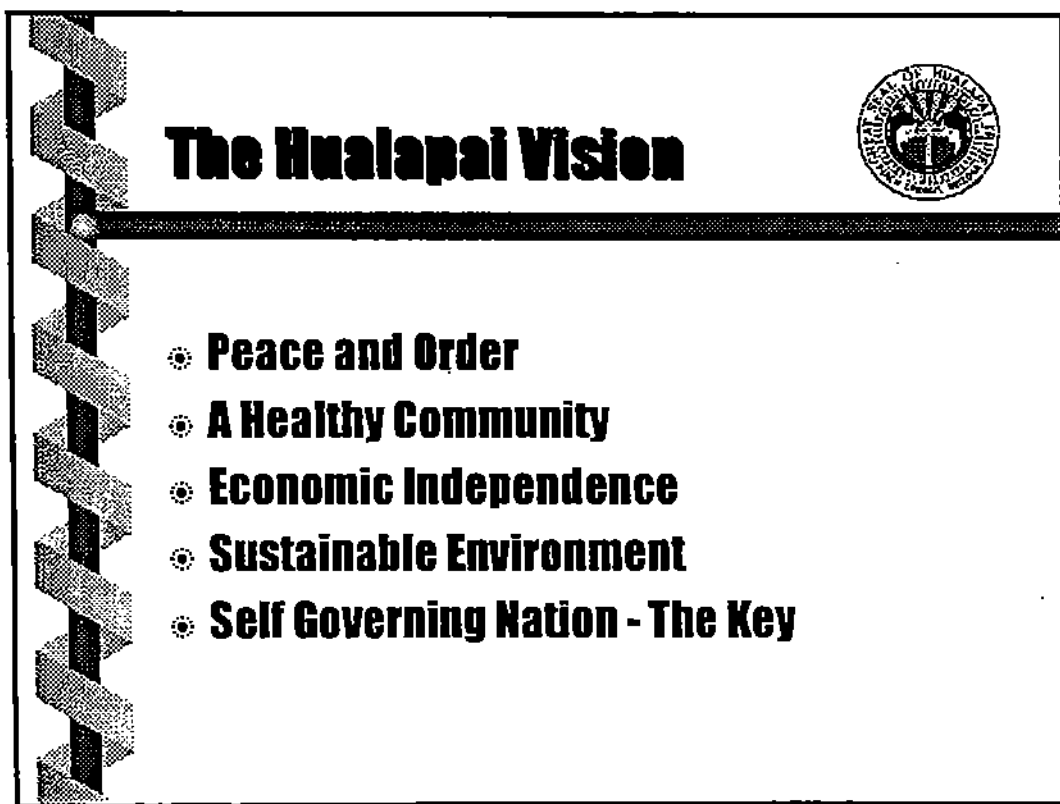
¹² *Id.*

¹³ *Id.*

A Self-Governing Nation is the Key to the Vision

Self-governance is the most important aspect of the Hualapai vision, because a strong, self-sustaining government is necessary to administer justice, achieve a healthy community, sustain economic development and the environment. In order to exercise its sovereignty to achieve these goals, a tribe must develop capable institutions of self-governance.¹⁴ Justice cannot be administered fairly and effectively unless there are institutions in place to protect individuals' rights and fairly enforce the law. Capable institutions of self-governance draft and enforce laws that result in economic development and protection for the environment.

These same institutions, a Court and Hualapai Department of Justice (HDOJ), enforce the laws that protect the community, environment, and economy. Without institutions of governance, justice and the elements of the vision cannot be achieved. A strong institution of governance, such as a HDOJ that works with the Court and community, can assist the Tribe with strengthening self-governance and achieving the Tribe's vision.



The Hualapai Vision

- **Peace and Order**
- **A Healthy Community**
- **Economic Independence**
- **Sustainable Environment**
- **Self Governing Nation - The Key**

¹⁴ Stephen Cornell & Joseph P. Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," *What*

Can Tribes Do? Strategies and Institutions in American Indian Economic Development, UCLA (1993), p. 16.

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Building a Hualapai Department of Justice

The Mission of the Hualapai Department of Justice

THE MISSION OF THE HUALAPAI

THE MISSION OF THE HUALAPAI DOJ ~JIWAY GWAVO~

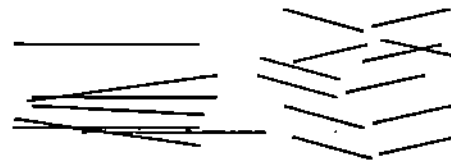
The mission by which the HDOJ can achieve the vision is Jiway Gwavo, which means war room or fight talk.¹ Structurally, the HDOJ becomes similar to a war room in that it unites the justice system resources to fight social problems that perpetuate crime and disorder. By adopting the attitude of Jiway Gwavo, the HDOJ can energize its team members and the community to take an offensive stance, fight against the problems plaguing the community, and in effect take their community back.

Using the philosophy of Jiway Gwavo, the HDOJ gathers and binds the resources of the Tribe and together they are stronger to fight the many social problems. A single resource, such as a Tribal Court, or even a few resources that do not work together are weak and may easily be broken. But resources united under a HDOJ are much stronger. It is similar to the Iroquois philosophy that one stick can easily be broken, but the strongest person finds it difficult to break sticks bounded together.

Why the Need for a Hualapai DOJ?

Many tribal members indicated the negative influences, such as alcohol and as a result neglect of families and children, were having a very negative impact on their community. Some individuals felt the Hualapai community had changed, and in a very negative manner, due to these problems. By organizing the justice system's resources and facilitating a mission of Jiway Gwavo, the HDOJ can assist the Hualapai people in taking their community back.

Single Sticks Are Easier to Break



Single sticks = justice system resources.
Alone they are much weaker.

Sticks Bound Together Are Difficult to Break



Justice system resources united by a HDOJ are
much stronger and difficult to break.

¹ Judge Joseph Thomas Flies-Away, "Jiway Gwavo - A Plan for a Safer Hualapai Community," Memo to Chairman Havatone, Vice Chairman Walema, and Hualapai Tribal Council (January 17, 1999), p.1.

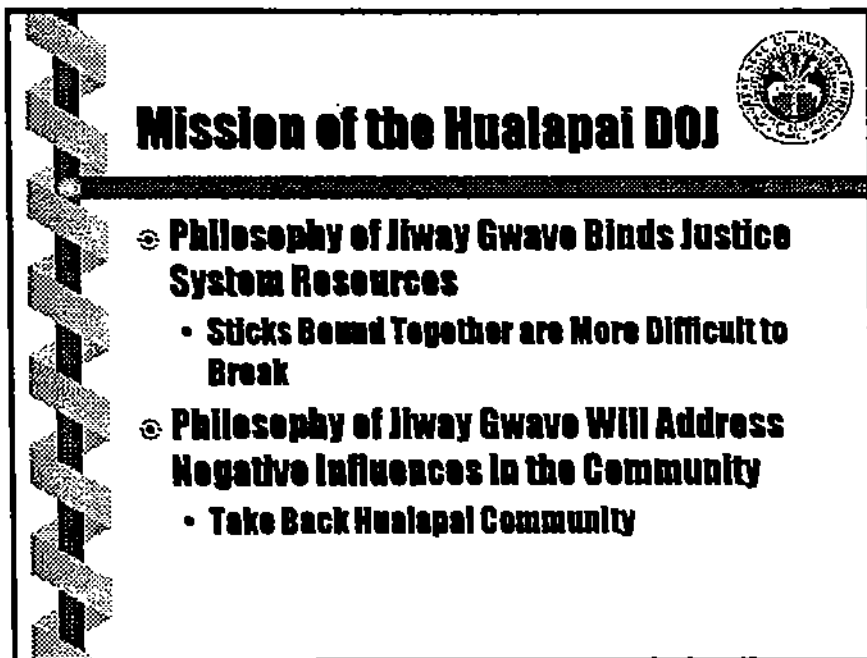
**JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

Using the concept of Jiway Gwavo, the Tribe can take an offensive stance and defeat the myriad of social problems that plague the Tribe. For example, domestic violence is a difficult issue to deal with, as many victims are reluctant to come forward. A Hualapai Department of Justice would encompass many of the services necessary to ensure justice is met in instances of domestic violence. A HDOJ can draft laws with strong penalties that then are presented to the Tribal Council for adoption. The HDOJ then takes responsibility for ensuring the police and prosecutor enforce the laws, equitably. A victim witness advocate can ensure the victim's needs are met and the victim has assistance in dealing with the prosecutor and the Court. The HDOJ will ensure Hualapai values are used to treat the problem of domestic violence. The Hualapai Department of Justice can also train the police, prosecutor, court staff, and community members as well, about dealing with domestic violence. Moreover, a HDOJ can help address other issues that exacerbate violence, such as addiction and family neglect.

Thus, by combining and strengthening resources within the justice system, the Hualapai Department of Justice can take an offensive stance, or through Jiway Gwavo, combat a social problem that currently affects the community and bring Hualapai closer to the vision of a healthy community.

MISSION OF HDOJ

Using the philosophy of Jiway Gwavo to deliver justice we will strive to attain peace and order, a healthy community, economic independence, sustain our environment, and create a strong, self-governing nation.



Mission of the Hualapai DOJ

- **Philosophy of Jiway Gwavo Binds Justice System Resources**
 - Sticks Bound Together are More Difficult to Break
- **Philosophy of Jiway Gwavo Will Address Negative Influences in the Community**
 - Take Back Hualapai Community



Jiway Gwavo The War Room

**Building a Hualapai
Department of Justice**

**The Role of the Hualapai
Department of Justice**

THE ROLE OF THE HUALAPAI DEPARTMENT OF JUSTICE A TOOL TO ACHIEVE THE VISION

The Hualapai vision provides direction and defines the goal to be achieved in the future. The question then becomes what tools will help the Hualapai achieve the vision? To achieve this vision, the Hualapai must use and organize the resources within the community and create any missing resources. A Hualapai Department of Justice, based upon the Tribe's resources, is an excellent tool to reach the Hualapai vision.

What is a Department of Justice?

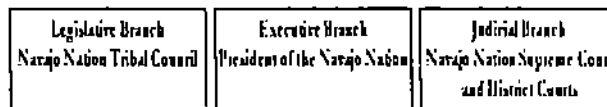
There is no one standard definition of a Department of Justice. In fact, a HDOJ can be developed to match whatever the needs of a tribe or state may be. However, the main function of a HDOJ is to administer justice. But justice can be widely defined. Thus, a HDOJ can be created to meet the notion of Hualapai justice to ensure it is a Hualapai Department of Justice and not an entity imposing foreign notions of justice.

Because a Department of Justice administers justice, and in effect enforces the laws of a nation, it is typically thought of as part of the executive branch of government. (See Navajo Example.) Some nations may place a DOJ with the judicial branch of government. However, this may not be a good idea for the Hualapai Tribe, or any other tribe. To be effective governing institutions, checks and balances are needed. Although the Court and DOJ work together, they also provide checks and balances upon one another. A Court provides a check on the DOJ's power by ensuring the DOJ is protecting people's rights through the dismissal of cases for rights violations. A DOJ provides a check on the Court by proposing new laws to the Council, which will require judges to impose certain sentences or handle cases within a certain amount of time. Checks and balances force the tribal government to be more effective, and as a result, the HDOJ should be placed within the executive branch, or at Hualapai under the Hualapai Tribal Chairman.

WHAT IS A HDOJ?

1. Government department or organization that enforces the law and assists the Tribe with administering justice
2. Exercises executive branch authority, as an enforcer of laws
3. Department designed to enforce *Hualapai justice*
4. Department designed to meet other designated goals of the Tribe

Example of a DOJ and Separation of Powers -The Navajo Nation-



Department of Justice

Two Purposes of a Hualapai HDOJ

First Purpose: Strengthens the Tribe

a) Strengthening Sovereignty

As Hualapai creates effective institutions to administer justice, such as police, prosecutors, courts, it is exercising its sovereignty. Sovereignty is not an entity given by the U.S. government or courts. It must be claimed and exercised by the Tribe. Sovereignty is similar to a muscle and must be exercised continually to become strong and withstand challenges. But, sovereignty can only be exercised through effective institutions, which not only make the Tribe safer through the administration of justice, but also preempt the state and federal government from attempting to intervene and administer a foreign version of justice. With a well-functioning Court and other law enforcement agencies, the federal and state governments will be less able to preempt or interfere with the tribal sovereignty. Hualapai conflicts and violations of law will be handled by the Hualapai DOJ and Court, and enforced by Hualapai police. For example, the HDOJ and Court can enforce Hualapai environmental regulations, as opposed to dealing with federal courts that dispense foreign notions of justice. As Hualapai problems are dealt with by Hualapai institutions of government, the Tribe's sovereignty is exercised and strengthened and better able to withstand attempts of encroachment by outside governments.

TWO PURPOSES OF THE HDOJ

- ◆ **Strengthens the Tribe**
- ◆ **Combines and Coordinates Resources to Achieve the Vision**

HUALAPAI DOJ STRENGTHENS THE TRIBE

- ◆ **By Strengthening Sovereignty**
- ◆ **By Fostering Economic Development**
- ◆ **By Administering Hualapai Justice**
- ◆ **By Making Hualapai a Safer Place to Live**

b) Economic Development

As peace and order are maintained within a reservation, economic development prospers. Tribal members, and outside businesses, are reluctant to invest their precious resources in a community that cannot protect them. Often resources are not protected because there may be weak or no governing institutions to provide the protection. Even if strong tribal laws exist, there must be an entity for enforcement. Often the enforcer is thought to be the Tribal Court. However, a HDOJ can assist in developing appropriate laws, bring people to Tribal Court, and coordinate resources to ensure all laws are enforced. Moreover, Courts cannot enforce the orders they issue, and a HDOJ can. Once institutions of governance are designed to enforce the law and protect people's rights and property are in place, individuals, tribal members and non-members, will perceive the nation as a safe place to invest and the economy will prosper.

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BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

c) Administration of Hualapai Justice: Building a Hualapai Department of Justice

Often many tribes in attempts to make their nations stronger and implement laws quickly adopt mirror images of state or federal law. As a result, notions of tradition and culture that are valuable to the administration of justice are lost. Creating a HDOJ is an opportunity to ensure Hualapai traditions are used to dispense justice. Building a *Hualapai* DOJ will ensure that Hualapai traditions are incorporated in the maintenance of peace and order, not outside laws. As a result, the Tribe retains its traditions and grows stronger, because tribal members recognize and are familiar with these laws. A common theme during many of the interviews was the Hualapai people do not really understand the Court or police function. They are used to traditional notions of solving problems. Building a *Hualapai* Department of Justice is an opportunity to build and use traditional notions of problem solving in the community and the administration of justice. (See Using Tradition and Culture.) Thus, not only is a HDOJ an opportunity to administer justice, it is an opportunity to administer *Hualapai* justice.

d) Tribe Becomes Safer for Citizens

A Hualapai Department of Justice is also important because as the justice system is strengthened the Tribe is made safer from harmful influences. Building a HDOJ protects the Tribe as laws become stronger, reflect Hualapai values, and become more effective. Hualapai solutions to social problems will be found. Crime rates will decline and tribal members will perceive the Hualapai Reservation as a safe place to live. Not only will people be more willing to invest their resources in the community, they will be more willing to live and participate in the community.

**USING TRADITION AND
CULTURE**

~Mashantucket Pequot~

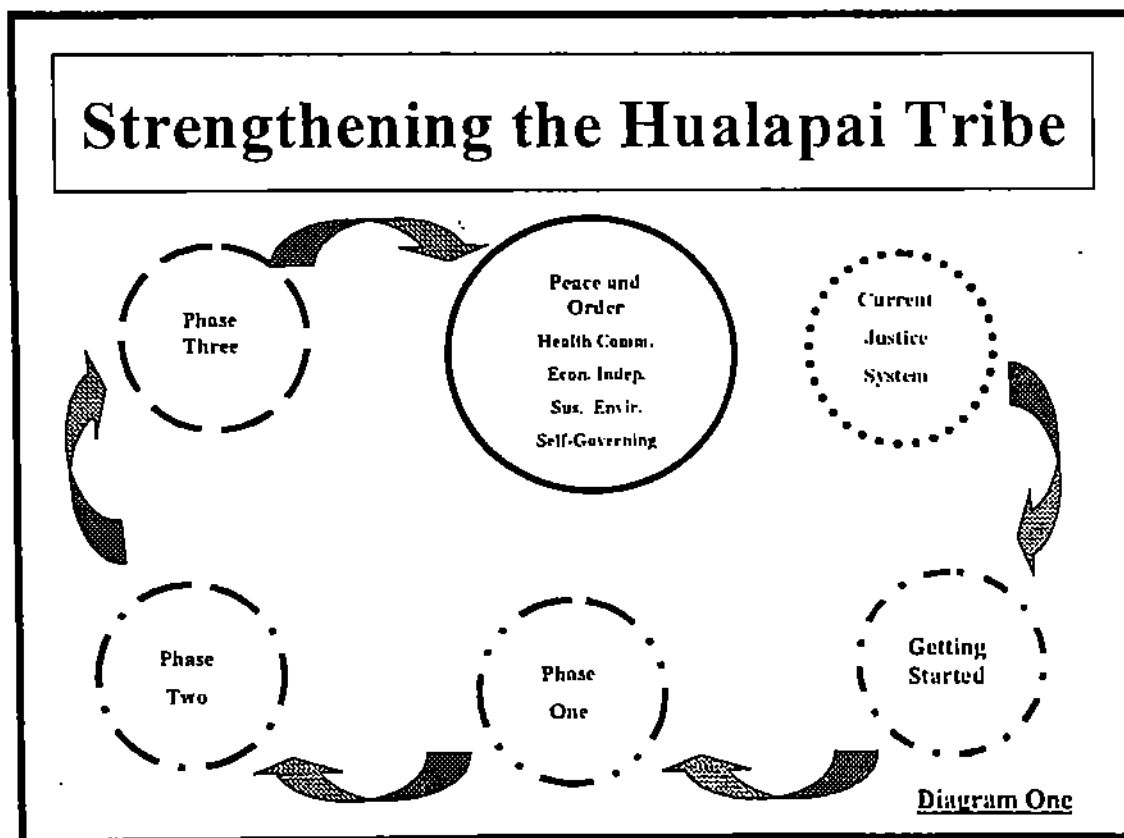
The Mashantucket Pequot Pretrial Intervention Program (PTI) was established to provide an alternative to custodial sentencing. The Tribal Elders PTI Commission, consisting of Pequot elders, oversees each case and assists in developing a rehabilitative plan for each defendant accepted into the Program. Each plan is tailored for the defendant and he is held accountable through interaction with an elder. All first time Native American offenders charged with non-violent misdemeanors are normally enrolled into PTI. Once the defendant has completed the Program successfully, his case is dismissed and he is integrated back into the community in lieu of merely ending up with a criminal record.

JIWAY GWAVO - THE WAR ROOM BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

e) The Strengthening Effect



Diagram One illustrates the strengthening effect a Hualapai DOJ can have upon the Tribe, as the different phases of implementation (discussed in Implementation) are accomplished. The current Hualapai justice system provides a barrier around the Tribe by enforcing laws and holding individuals accountable, thus strengthening the Tribe. The current justice system exercises the Tribe's sovereignty, helps foster economic development, provides for some cultural values, and tries to make the Hualapai Reservation a safe place to live. However, since the justice system is not functioning at its full capacity; cases are pending for a year, some are dismissed, the laws are not fully implemented or missing, the Tribe is not fully protected from negative influences. Moreover, the Tribe does not receive the full benefit of the strength a justice system offers when it is functioning at its full capacity.

As the justice system is strengthened, the protection the HDOJ provides the Tribe increases, as the resources work together, laws are strengthened, problem-solving techniques are used to combat social problems, and cultural values are reinforced through the laws. Eventually after all the phases are completed, the vision of the Tribe is achieved. At this point the HDOJ provides a strong and effective barrier that promotes self-governance and prevents other institutions from interfering with the Tribe's sovereignty, protects and fosters economic development, fosters cultural values, and provides the Hualapai with a safe place to live. As the Tribe moves through the cycle highlighted in Diagram One, the protection the Hualapai DOJ provides is increased, as a result the Tribe grows stronger.



**JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

To achieve this goal is a long and difficult task and the Tribe should not hope to attain this goal in immediately. However, as Diagram One illustrates, each point on the flow chart is stronger than the previous point. Moreover, even if the Tribe merely accomplishes "Getting Started" or "Phase One" - as discussed in Implementation - the Tribe is stronger and closer to its vision than its present position.



The Role of a Hualapai DOJ

FIRST PURPOSE - STRENGTHENS THE TRIBE

- **Strengthening Sovereignty**
- **Fosters Economic Development**
- **Administer *Hualapai* Justice**
- **Makes Hualapai Safer Place to Live**

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Second Purpose: Combines and Coordinates Resources to Achieve the Hualapai Vision

A Hualapai Department of Justice combines and coordinates the resources of the current justice system. As the justice system grows stronger through cooperation and eventually the addition of other resources, the Department of Justice actually assists the Tribe in achieving its vision.

**HDOJ COMBINES &
COORDINATES
RESOURCES TO
ACHIEVE THE VISION**

- ◆ **Peace and Order** – assists with drafting strong Hualapai laws and enforcing Hualapai justice
- ◆ **Healthy community** – assists with addressing social problems plaguing the community
- ◆ **Economically Independent** – creates and administers justice that promotes economic development
- ◆ **Sustainable environment** – protects environment through codes and enforcement while fostering growth
- ◆ **Self governing** – no reliance on state and federal government to administer justice

Maintain Peace and Order:

Tribal members identified a need for the administration of justice to be more effective and fair. A Hualapai Department of Justice

can assist the Tribe in maintaining peace and order through the effective administration of justice. Stronger laws, that reflect Hualapai values, can be drafted and enforced by a Department that is able to coordinate the many resources within the justice system. The HDOJ can coordinate resources, such as the police, prosecutor, and probation to ensure individuals are held accountable, according to Hualapai values. Also, an HDOJ will foster a more fair and effective administration of justice because a Department that is removed from politics will make the decisions regarding justice. As the fairness of the justice system increases, tribal members will grow to trust and respect the justice system.

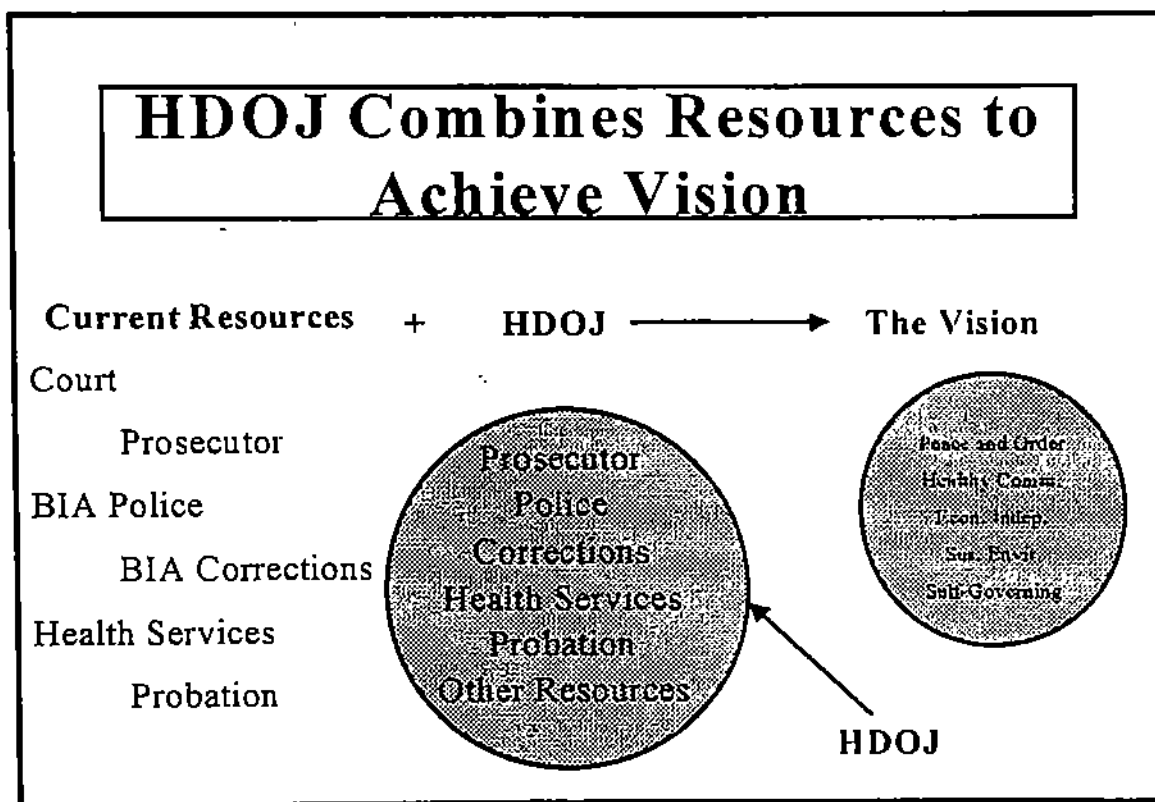
A Healthy Community: Currently, there are many different resources that deal with the health of the community. A HDOJ will assist in organizing and focusing these groups, as many agencies have an impact on the criminal justice system. Creating a healthy community entails focusing on teaching individuals and communities to care for themselves and others, and to not be afraid to call for help when individuals become aware of abuse or alcoholism. Healthy communities can work together to address problems and create solutions. The HDOJ can organize the agencies that currently work independently to work together to develop solutions, much like the Wellness Court has organized resources within the justice system.

The Hualapai Department of Justice can also reach out to the community to help tackle social problems plaguing the community. For example, the prosecutor, probation, and counselors can work together in dealing with juveniles who live in homes where alcoholism and abuse are a problem. The Attorney General can draft statutes, enforce laws and marshal tribal resources to focus on youth and assist youth in dealing with drugs, alcohol, and family abuse. As a result, the health of the community will improve.

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BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

Economically Independent: For economic development to prosper, strong codes and a third party enforcer is necessary. Individuals and business do not want to invest their resources in a nation that does not have the laws or the institutions to protect their resources. Only in the presence of sound laws and governing institutions, will economic development become sustainable.¹ More importantly, there must be enforcement of tribal codes through the justice system. The HDOJ can assist in drafting strong codes that protect individuals and their resources and assist the Court in enforcement. Strong Hualapai laws and enforcement of those laws will help economic development foster and assist the Tribe in becoming economically independent.

Sustainable Environment: A sustainable environment requires development of the natural resources, through the Grand Canyon Management Plan, but also protection of the environment, which is a precious resource. A Hualapai Department of Justice can facilitate protection through codes and enforcement. By organizing and coordinating the agencies that currently focus on the environment, the HDOJ will be able to ensure strict protection of this precious resource. And again, the HDOJ can facilitate development by providing the framework for businesses and individuals to develop the environment without hurting it.





¹ Stephen Cornell & Joseph P. Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development*, UCLA (1993), p. 14.

JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

Self-governing Nation: The dispensation of justice is crucial to the development of a strong and self-governing nation. By ensuring justice is distributed fairly and due process is present in all aspects of the system, a nation becomes strong and independent. It is able to draft its own laws and enforce them without relying on the state or federal government. The tribal government is then able to stand on its own feet and use its own resources to dispense justice.

A Hualapai Department of Justice can facilitate this process by drafting strong codes and ensuring enforcement and that rights are protected. Furthermore, by allowing a separate Department to administer justice, politics is removed from the justice system. Politics has no place within a justice system. For justice to be administered fairly, all decisions have to be made on facts, rules, and procedures. A HDOJ can fulfill that duty and allow the government to focus its energy and time on its duties. Moreover, the government becomes stronger and well respected by its citizens because any appearance of favoritism is removed and replaced with fairness. Thus, citizens are not tempted to seek justice in another forum in the state or federal courts.



Role of the Hualapai DOJ

SECOND PURPOSE

COMBINE & COORDINATE RESOURCES

TO ACHIEVE THE VISION

- ⊙ **Effective Administration of Justice Promotes Peace and Order**
- ⊙ **Attack Problems that Affect Health of Community**
- ⊙ **Draft and Enforce Laws to Protect Investors**
- ⊙ **Draft and Enforce Laws to Protect Environ.**
- ⊙ **Promote Self Governance**

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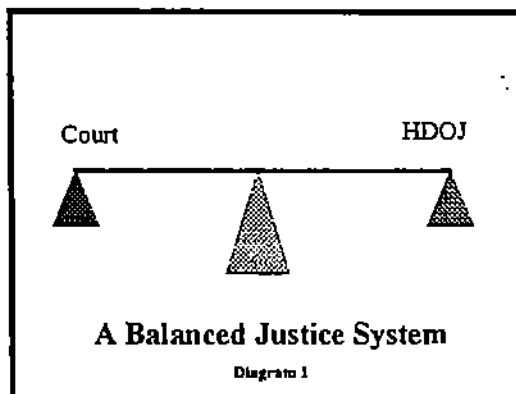


Building a Hualapai Department of Justice

The Relationship Between the Hualapai Department of Justice and Tribal Court

THE RELATIONSHIP BETWEEN THE HDOJ & COURT

The relationship between the Court and HDOJ is very important and necessitates discussion. A Department of Justice and Court necessarily rely upon one another to accomplish the vision of the community and an efficient and balanced justice system. The Court and Department of Justice have an equal relationship, one is not more important than the other is, and this is necessary for a successful and balanced justice system. (See Diagram 1.) In creating a Hualapai Department of Justice, the Tribe must work towards strengthening the Court simultaneously. The HDOJ can facilitate this process by the Attorney General acting as a neutral convener and bringing together the resources to facilitate the Court process. The new Chief Judge may also help this process. The judge may be able to coordinate resources and assist the HDOJ in identifying and solving problems. A strong HDOJ and Court will provide a much stronger justice system that is able to deal with the problems of the Tribe and not bend or break under the numerous social problems or resource problems of the Tribe.



1. The Importance of a Tribal Court

A strong Hualapai Tribal Court is necessary to the development of a strong, self-governing Hualapai nation and a well-functioning justice system. A tribal court must be thought of as a separate and strong branch of government and not merely a program or agency. This allows the court to achieve fairness and justice in its decisions and enforce them through the power of a branch of government. A tribal court is essential because it promotes peace, generates respect for community ideals, educates tribal members, and can help address community problems. Further, a tribal court protects and supports economic development. A court is also an important forum for federal Indian law because many tribal court cases are

Why a Tribal Court is Important

- ◆ Promotes peace, respect, accountability
- ◆ Protects and supports economic development
- ◆ Forum for federal Indian law
- ◆ Forum for maintaining culture
- ◆ Necessary for administering justice

petitioned into federal court and become the basis for federal Indian law, which impacts all nations. Also, a tribal court is effective in teaching and maintaining a tribe's traditions and cultures as it builds a body of traditional

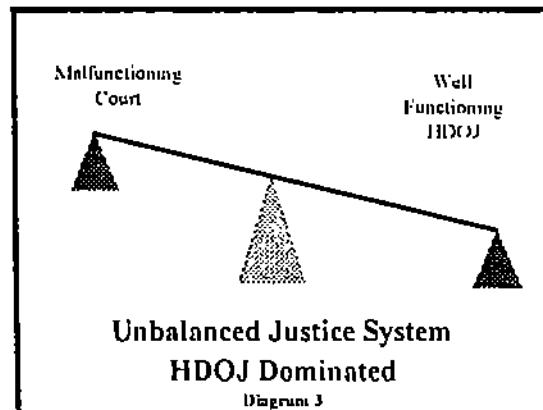
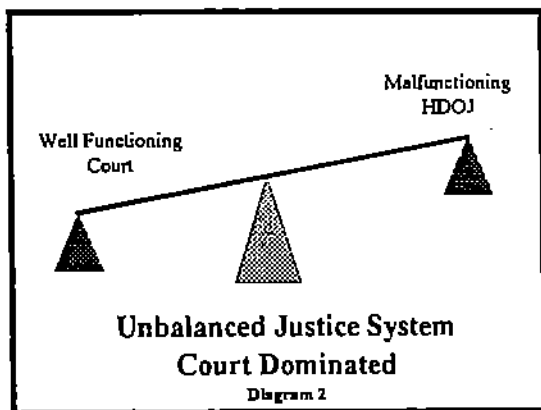
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common law in its decisions and orders. A tribal court is also necessary for the administration of justice because it ensures people's rights are protected, allows individuals to pursue reparations for wrong doing in a peaceful manner, and ensures justice is administered in a fair manner. Moreover, a tribal court is essential for the success of a justice system. Without a tribal court, the HDOJ or any other agency cannot enforce any laws or dispense justice.

2. A Partnership

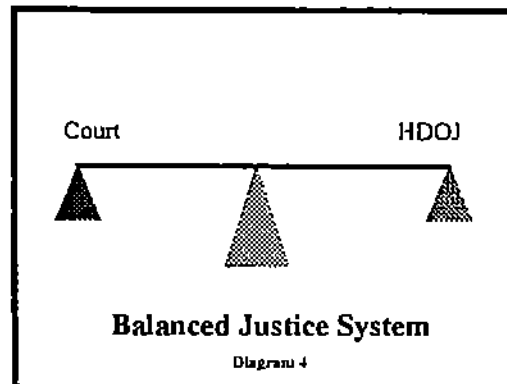
The HDOJ and Court will have a mutually dependent relationship. Without the other, the remaining entity does not function well. A Court can function alone. However, the end result is often cases are not properly investigated. Also, a revolving door can be created, as the problems that result in criminal arrests are not addressed, such as substance abuse or other social problems. Without a well-functioning HDOJ that facilitates working towards a single goal, criminal sentences or probation, while they may punish the offender, often do not achieve the goal of the community which is to address the problems that resulted in the criminal offense. Moreover, the Court alone does not adequately protect the rights of victims and defendants, as the Court's function is often to clear cases regardless of the involved parties. The end result is an unbalanced criminal justice system. (See Diagram 2.)

A well-functioning Court is also necessary for the success of a HDOJ. A Court that does not perform at its capacity results in much the work of the HDOJ going to waste. A HDOJ can use all of its resources to address problems within the community, but when their actions result in the arrest and prosecution of individuals, its hard work will go to waste if cases are delayed for a year due to a Court backlog. As a result, the community begins to lose faith in the HDOJ and the Court because cases are not handled promptly and problems resolved. Moreover, whenever the HDOJ immediately arrests individuals, an immediate by the Court for no reason again frustrates the Department's goal and work. The end result is again an unbalanced justice system. (See Diagram 3.)




JIWAY GWAVO - THE WAR ROOM BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

When the Court and HDOJ work together, a balanced and strong justice system is created. (See Diagram 4.) The partnership between the Court and HDOJ strengthens the government by providing checks and balances and ensures an effective and fair administration of justice. The Court can dismiss cases brought by the HDOJ for violations of rights; ensuring defendants are treated properly. The HDOJ provides a check on the Court's power by seeking appellate review or requesting the Council to adopt sentencing guidelines or statutory limits to limit judges' discretion. It is this balanced justice system that will assist in achieving the Hualapai vision. Problems within the community are addressed by the HDOJ and if necessary brought into Court. Once the cases are handled in Court, they are handled quickly and efficiently and the rights of the victims and defendants are protected. Together the Court and HDOJ can work together, forming a partnership, and aiding the Tribe with achieving the Hualapai vision.



The HDOJ and Tribal Court



© The HDOJ and Tribal Court form a partnership to:

- Administer justice
- Provides checks and balances
- Create a balanced justice system



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Building a Hualapai Department of Justice

Obstacles to the Hualapai Vision

OBSTACLES TO THE HUALAPAI VISION

Throughout many conversations with Hualapai tribal and community members, several barriers or obstacles to the Hualapai vision were discovered. The obstacles impede the effectiveness of the current resources that make up the Hualapai justice system and prevent the justice system from helping the Tribe achieve its vision. These obstacles must be overcome to achieve the Hualapai vision. They fall into four categories; lack of communication between the Tribal Council, Court, law enforcement and community, equity concerns, disorder and dysfunction within agencies and between agencies, and weak strong codes and statutes. As discussed later, a Department of Justice will organize the resources to overcome these obstacles and achieve the vision of the Hualapai Nation.

MANY NATIONS STRUGGLE WITH JUSTICE SYSTEM REFORM

Bulgaria Separated from the Soviet Union in 1989 and Faces Many Obstacles

Weak Separation of Powers

Lack of Leadership

Lack of Training

Inequity

Obstacles to the Vision

**Steps to Climb to
Reach the Vision**

Lack of Communication

Inequity

Disorder

Weak Laws

LACK OF COMMUNICATION

There is a lack of communication between law enforcement, the Court, the Council, and the community. Although many of the agencies perceive numerous problems, there is rarely any attempt to communicate the problem or work together to find a solution. The end result is a weak justice system and in turn a weak government that does not function in its full capacity and adequately serve the needs of the people. When warrants are not served, cases go unresolved, victims' rights are not fulfilled, individuals are not held accountable and justice is not accomplished. Individuals quickly become

aware of the fact that laws are not enforced. This signals the fact that disorder is welcome.

Communication between agencies, branches of government and the community is essential for a strong self-governing nation. By improving communication, the government becomes stronger and functions as a self-governing body. The BIA will not be needed to intervene in disputes about whether the police are acting properly. Communication will foster coordination to enforce the laws that promote economic development and protect the environment. Communication with the community will also increase support. Misunderstanding of justice system agencies lead to a lack of support. However, increasing communication with the community about how the justice system functions will help community members understand their rights and the process provided by the Court to protect those rights. As a result, community members will be more willing to use the system and respect for the justice system will grow.

EXAMPLES OF LACK OF COMMUNICATION

- ◆ Community members failing to understand the role of the Court, Council, and police and going to the Council for any problem.
- ◆ Paperwork problems with Court and Police
 - Failure to serve warrants
 - Cases dismissed for problems with reports
 - Suspects sitting in jail due to lack of proper paperwork
 - No permanent filing system in Court – one staff member does not know what another has done
 - Blaming each other for above problems
- ◆ Court and Court Board misunderstand each other's role.
- ◆ No community support
- ◆ Service providers, such as counselors and therapists are not including in treatment decisions and merely fed referrals.

EXAMPLES OF GOOD COMMUNICATION

- ◆ Meetings between Court and Agencies to address problems
- ◆ Team Meetings between Probation Officers/Health Dept. Counselors/Prosecutors/Defense Attorneys to assess cases and determine appropriate recommendation
- ◆ Brochure and children's coloring book that explains Court procedures to community
- ◆ Community education meetings with different members of the justice system

JIWAY GWAVO - THE WAR ROOM BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

INEQUITY

Currently, there is inequity or perceived inequity with the Hualapai justice system.¹ Political interference can result in preferential treatment and justice being dispensed unequally and unfairly. Although some individuals indicated the politics decreased, others felt it was still a problem.² Political interference or the perception of political interference, which then creates inequity in the eyes of tribal members, is a problem for many tribes. It is a constant battle that must be waged to prevent even the appearance of inequity, political interference or favoritism.

The appearance of inequities or political interference weakens a government. If community members do not feel the government protects their rights, they will not support the government and may actively work against it. They may even feel forced to appeal to outside forums, such as the BIA or federal or state courts, which weakens the Tribe's sovereignty. Moreover, businesses will not want to invest their resources into a nation where their success may depend on who is in office as opposed to strong laws and codes.

Creating a justice system without inequities will foster a healthy community, as members begin to feel safe and protected within their own Reservation. Community members will begin to feel they can turn to the police and Court for help to resolve problems and that these entities will respect them and their rights. This will foster a stronger and healthier community. The environment will be sustained, as the justice system is freed from political interference and able to act neutrally and protect vital resources. Businesses and individuals will invest in a Nation that provides justice fairly and equitably. And a strong government that meets the needs of the people without reliance on others will be created.

EXAMPLES OF INEQUITIES

- ◆ Justice decisions made by political entities, such as the Tribal Council
- ◆ Blurring of the separation of powers between the Court and Council
- ◆ Justice dispensed on family name, as opposed to facts
- ◆ People within system receive justice quickly, while those not familiar with system or apart of it are ignored
- ◆ Court allowing families to interfere in custodial orders

EXAMPLES OF EQUITY

- ◆ Criminal defendants receive similar sentences for similar crimes
- ◆ Criminal defendants treated fairly, rights are respected, not abused by police
- ◆ Although Court receives assistance from Council or HDOJ, these entities do not interfere in Court orders or Court decisions.
- ◆ Tribal members educated about the proper role of judges and the Court.
- ◆ People perceive justice system as fair

¹ Interviews with Hualapai tribal and community members. November 1999 and January 2000.

² Interviews with Hualapai tribal and community members, November 1999 and January 2000.

DISORDER IN THE JUSTICE SYSTEM

Disorder among the different elements of the Hualapai justice system is an obstacle to achieving the Hualapai vision. Currently it appears that the different components of the justice system do not have a common vision or goal. Each component focuses on its small part of dispensing justice without looking towards achieving a common goal. The police focus on responding to calls and arresting individuals, while the Court focuses on getting through its caseload. The goal of both entities should be to fight crime, make the community a safe place to live, hold individuals accountable for their actions and protect individuals' rights, however neither entity explicitly states this. Moreover, it does not appear there is a systematic method to hold the different components of the justice system accountable. The police are accountable to the BIA law enforcement supervisor. Meanwhile the prosecutor is accountable to the Tribal Council. As a result, there is no mechanism to ensure these two agencies cooperate and are held to the same standard of conduct.

To work together, a common method of accountability must be established with each component accountable for its actions regarding a common goal or vision. Disorder can be created by failure to understand the big picture or goal. It is necessary for all components of the justice system to understand their role and the goal within the system. This will allow the different elements to function more effectively and work together. Failure to do so can result in a break down of the criminal justice system.

Each of the above inefficiencies creates disorder, which makes it very difficult for the justice system to function, much less achieve a common vision or goal. Not only do the entities within a justice system need to work together, they must also focus on internal procedures to ensure they fulfill their duties. Disorder has no place in a strong nation. Disorder leads to ineffectiveness and unaccountability, which leads to a weak nation.

EXAMPLES OF DISORDER

- ◆ Different committees draft different codes
- ◆ Enforcement is spread out among different agencies, i.e. the Rangers, Natural Resource Department, BIA police
- ◆ No accountability to one source
- ◆ Blurring of lines for separation of powers
- ◆ Court backlog
- ◆ Disrespect for Court and Police
- ◆ Court and other agencies often do not take action and others must fulfill roles, i.e. failure to address abuse results in children being cared for by grandparents
- ◆ No coherent cross-training between different agencies
- ◆ Understaffing of all agencies
- ◆ Employees unclear about role within justice system
- ◆ No common vision for Court and other agencies within justice system

EXAMPLES OF ORDER

- ◆ Each employee understands role within justice process
- ◆ Agencies work towards common goals
- ◆ Consistent internal procedures within each Agency
- ◆ Respect for Court, police, and justice system builds within the community as order and cohesion grows
- ◆ Statutory time limits for prosecution
- ◆ One office coordinates all drafting of codes

JIWAY GWAVO - THE WAR ROOM BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

WEAK LAWS

Many community members commented on the lack of strong codes and statutes and strict penalties.³ An example frequently given was the public intoxication ordinance. Once public intoxication became a criminal offense and individuals began to be arrested and held accountable, the number of individuals who were drunk in public was reduced.

EXAMPLES OF WEAK LAWS

- ◆ Hualapai Traffic Code mirror image of Arizona Traffic Code
- ◆ Laws lacking in protection of the water and environment
- ◆ Inconsistent court decisions, which are law, creating anomalies or weak law
- ◆ Laws are created but Court does not have the resources to enforce them, making them weak laws
- ◆ Few Hualapai people with the needed expertise to write Hualapai laws
- ◆ Laws do not create accountability for many criminal acts, such as domestic violence
- ◆ Laws do not reflect Hualapai values
- ◆ Laws do not hold parents accountable for the actions of their children

Strong codes are needed for more than just to deal with specific problems. Informal and formal rules are a necessary element of a strong government. "[F]ormalized rules and procedures serve to *empower* a people by allowing them to carry forward the public's interest. In promoting government by law, such rules and procedures help to insulate the public interest from the possibility that individuals interested only in their own

³ Interviews with Hualapai community members, November 1999 and January 2000.

advantage on occasion will end up in positions of power."⁴ A nation must have laws and codes that provide answers to many questions concerning governing to provide stability, accountability and promote growth.⁵ The Hualapai Tribe has many laws on its books and is currently redrafting the Law and Order Code. This is a commendable step towards creating strong laws. The drafting of laws is a never-ending process and many community members pointed out the work that is still needed.

EXAMPLES OF STRONG LAWS



- ◆ Juvenile Code holds parents accountable for neglecting youth
- ◆ Law requires police to arrest offender upon domestic violence complaint
- ◆ Law requires first time domestic violence offenders to attend anger management classes and serve 10 days in jail
- ◆ People drafting Codes hold informational meetings and go out into the community to ascertain what laws are needed

A self-governing nation must have its own laws and codes or it will become subject to foreign laws. For a nation to stand on its own feet, it must adopt and enforce laws that protect the community and individuals. Without laws to protect its resources, tribal members and outside businesses will not want to invest their resources into the community. The environment will not be protected and sustained, as there will be no laws to prevent

⁴ Stephen Cornell and Joseph P. Kalt, *Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations*, in *What Can Tribes Do? Strategies and Institutions in American Indian Economic Development*, eds. Stephen Cornell and Joseph P. Kalt 1992, p. 21

⁵ *Id.* at p.22.

depletion of the environment. Furthermore, the justice system cannot foster a healthy community without laws to deal with abuse, alcoholism, and other social problems. Without laws, a government cannot enforce behavior and hold people accountable and again the government becomes weak, as people are not held accountable for driving under the influence, child abuse, and numerous other problems. The problems continue to grow until they are almost unsolvable. The government must take the first step to pass strict laws with enforcement mechanisms and then delegate the enforcement to a third party that can effect it fairly and impartially. Strong codes will empower the Tribe and promote self-governance.



Obstacles to the Vision

- ⊗ **Lack of Communication**
- ⊗ **Inequity**
- ⊗ **Disorder**
- ⊗ **Weak Laws**

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Steps

Building a Hualapai Department of Justice

Steps to Achieve the Vision

STEPS TO ACCOMPLISH THE VISION

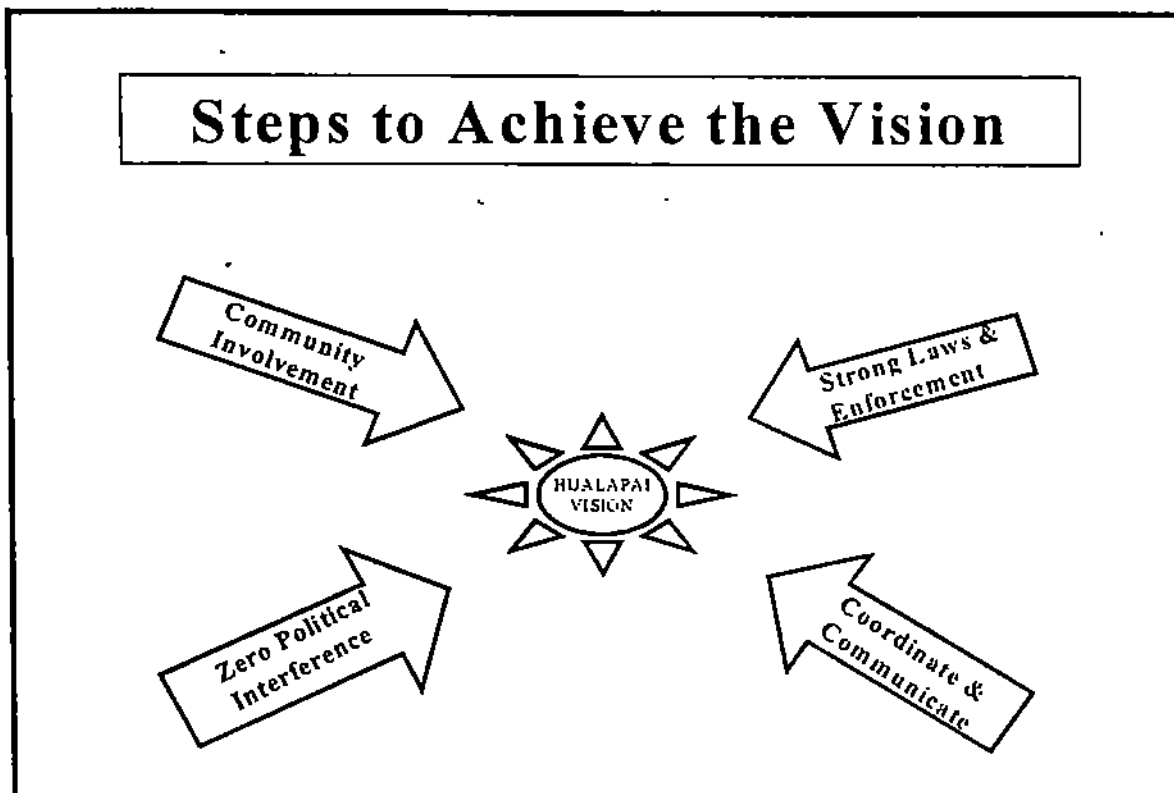
Steps to accomplish the vision establish a set of objectives that may be undertaken by the Hualapai Tribe to guide community members in their effort to accomplish the vision of peace and order, a healthy community, economic independence, a sustainable environment, and self-governing nation.

ELIMINATE POLITICAL INTERFERENCE

To achieve the vision of effective self-governance the elimination of political interference is important. The political interference, which then creates inequity, has been identified as a key barrier in the current judicial process at Hualapai. The use of political influence in any judicial proceeding not only degrades the legal process but also serves to diminish Hualapai governmental authority in general. The maintenance of

legitimate authority is crucial to the operation of a stable government. The mere perception of political interference and other less than professional government practices are dangerous to the notion of justice.

Utilizing the Law and Order Committee as a political buffer between the Tribal Council and the departments responsible for tribal prosecution, law enforcement, and corrections is one way in which the Tribe may tackle the problem of political interference. Also, an Attorney General that oversees many of these agencies will change the reporting structure. Those who act on behalf of the Hualapai legal system must be left to conduct their business without fear of political reprisal. One of the most dangerous effects of inappropriate political pressure is its tendency to hinder the ability to facilitate change or improvement.



**CREATE A STRUCTURE TO
IMPROVE:
COMMUNICATION,
COORDINATION, AND
ACCOUNTABILITY**

Communication & Coordination

The Hualapai Nation has many of the elements required to accomplish their vision of justice. Many of the departments needed to create a safe and healthy community already exist. The problem is that certain departments operate autonomously, or worse, some have developed contentious relationships. Thus, several opportunities to create teamwork are lost. The proposed Hualapai Department of Justice creates a hub of law enforcement services and a bridge for other social services related to crime control and order maintenance. It also creates four operating units that are responsible to a single department head, the Attorney General. This will allow one person, the Attorney General, to coordinate strategies that encompass all agencies to combat social problems. Information will be shared by convening meetings among all relevant parties. Cases will be streamlined as they move from initial investigation through prosecution and corrections. The HDOJ aims to improve the justice system by combining the resources of various services without duplicating effort.

Inter-Agency Coordination

Inter-agency coordination will facilitate joint projects such as combined activity of police and prosecutor in the investigation of crime. The HDOJ can help the Hualapai community to attain more valuable solutions in the rehabilitation of criminal offenses, such as domestic violence, by combination of strong laws that represent Hualapai values,

and the services provided by police, ICWA office, prosecutor, probation and health counselors. The HDOJ will foster stronger laws with appropriate Hualapai penalties, whether it be counseling, community service, being taught by elders, making restitution, or serving jail time. Coordination with ICWA will allow for the proper treatment of children and the ICWA office will continually be advised of the status of the parents. A comprehensive domestic violence program will require the police to follow uniform action upon domestic calls, whether it be mandatory arrests or merely separating the individuals. Also, agency coordination will give the prosecutor and corrections department guidance as they handle cases in court and manage rehabilitation. Inter-agency coordination will result in comprehensive programs that administer justice for the Hualapai community. (See Wellness Court and Domestic Violence Examples.)

**HUALAPAI EXAMPLE OF
INTER-AGENCY
COORDINATION
~THE WELLNESS COURT~**

The Wellness Court applies inter-agency coordination very successfully. Probation officers, Health Department Officials, the Prosecutor, and the Court are combined across agencies to create a unique team that assists individuals in overcoming addictions. Communication and teamwork are an inherent ingredient to the Wellness Court's success.

**EXAMPLE OF HDOJ
INTER-AGENCY
COORDINATION
- DOMESTIC VIOLENCE -**

- 1. Policy & Code Development**
To reflect Hualapai values, administer effective justice, and hold offenders accountable
- 2. Police**
Follow mandatory guidelines to arrest and remove offender
- 3. ICWA Office**
Provides services for involved children and kept up to date on status of parents
- 4. Prosecutor**
Charges suspect and negotiates sentence based on statutory guidelines
- 5. Corrections**
Manages incarceration and rehabilitation in accordance with statutory guidelines

Accountability

Accountability is a goal for achieving the Hualapai vision of healthy community; a community in which its members are held accountable for their actions. Disorganization of the criminal justice process leads to an ever-increasing case backlog and higher rates of dismissal. Some offenders have developed an ability to "play the system" because they have learned that the criminal justice response at Hualapai is disorganized. Many cases take more than one year to be adjudicated and often the police do not serve warrants or appear in court as witnesses for the

prosecution.¹ Through increased coordination and communication the Hualapai Department of Justice holds criminal offenders accountable for their actions by enhancing departmental efficiency.

The Law and Order Committee adds to the accountability of the HDOJ through its role in the community and with the Tribal Council. The Law and Order Committee is accountable to the Council and based upon interviews, is very well in touch with the community. This interaction with the community is important because it holds them accountable to the community. It also ensures community values and concerns will be present in their decisions. The Attorney General will be accountable to the community through the Law and Order Committee. Moreover, it is essential the Attorney General develops the community interaction that the Law and Order Community has done. This will help the Attorney General be responsible to the community and aware of community needs. As the Attorney General interacts with the community, they will be comfortable with telling him of their concerns.

**Organized Justice System
Leads to
Accountability
&
Interaction with Community
Leads to
Accountability**

¹ Interview. Hualapai Reservation. January, 2000.

RESTORING FAITH IN JUSTICE AT HUALAPAI: COMMUNITY EDUCATION AND INVOLVEMENT

The success of the Department of Justice depends on the support it receives from the community it will serve. Structuring the HDOJ to maximize synergies and facilitate collaboration is a solid start, but the absence of community support and involvement will limit its impact. Community support can be gained by raising awareness through education of justice issues that affect the Hualapai Nation. There is a need for increased dialogue between those who work in the Hualapai law enforcement arena and the community at large. The creation of a Department of Justice provides an excellent opportunity for community input and a chance for law enforcement professionals to build stronger relationships with tribal members.

Many feel that the dearth of community support for the judicial system stems from a lack of understanding of roles and functions of the justice entities.² Others feel that the current law enforcement apparatus is not responsive to community needs.³ It will be incumbent upon those who represent the new Department of Justice to build relationships and restore the system in the eyes of its constituents. Community involvement is an important step in achieving the vision. Three potential possibilities include:

1. Field Trips for Youth/School Visits By HDOJ staff

Building relationships between the youth and Department of Justice staff will help to

generate mutual trust and support. It provides an education for the future leaders at Hualapai.

2. Community Outreach Through Public Forums (the "Town Meeting" model)

HDOJ sponsored community forum on justice issues such as *domestic violence or juvenile alcohol abuse*. Provides an opportunity for community leaders, law enforcement practitioners, and tribal members to convene and discuss the issues affecting the Hualapai Community.

3. Information Campaign

The Department of Justice should keep the community informed of its initiatives and strategies. The HDOJ should periodically solicit input from members of the Hualapai Nation as it evolves and expands. A newsletter or monthly status report on the activities, successes, experiments, and failures of the department will go along way toward garnering community involvement.

There is no doubt that mutual respect and support is crucial to mission of justice at Hualapai. Community involvement and education assures the achievement of that goal.


**Success for the
Hualapai Department
of Justice requires
community support
and involvement.**

² Interviews with tribal and community members. November, 1999 and January, 2000.

³ Interviews with tribal and community members. November, 1999 and January, 2000.

STRONG LAWS & ENFORCEMENT

The Hualapai Department of Justice can establish priorities and strategies as they pertain to public safety on the Hualapai reservation. The HDOJ Office of Policy and Coordination will help to guide the development of criminal code. By strengthening the laws the Tribe will better equip the tribal police and prosecutor in their effort to combat criminal activity. By coordinating with the Police, Health Department, Tribal Court, and Prosecutor the Office of Policy and Code Development will be instrumental in identifying and eliminating negative trends (e.g. alcohol-related domestic violence) at Hualapai before the situation escalates. Strengthening the criminal code and enhancing police enforcement will send a strong signal to the community of intolerance for crime.



Steps to Achieve the Vision

- ⦿ **Eliminate Political Interference**
- ⦿ **Create a Structure that Improves**
 - **Communication & Coordination**
 - **Inter-Agency Coordination**
 - **Accountability**
- ⦿ **Restore Faith in the Justice System**
 - **Community Education & Involvement**
- ⦿ **Create Strong Laws & Improve Enforcement**

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Building a Hualapai Department of Justice

Organization Plan for Developing A Hualapai Department of Justice

Organization Plan

THE ORGANIZATION PLAN FOR A HUALAPAI DEPARTMENT OF JUSTICE

A Hualapai Department of Justice can assist the Hualapai Tribe in overcoming its obstacles to the vision. With the steps of zero political interference, communication and accountability, community involvement, and strong laws and enforcement in mind, the following model provides an outline of a HDOJ to assist the Tribe in the administration of justice.

Why a Hualapai Department of Justice?

The question remains why will a Hualapai Department of Justice be able to overcome the obstacles and help achieve the vision, and not the current justice system? Simply, the Tribe has already accomplished a similar goal, with the Wellness Court, and proven that teamwork within the justice system can address problems within the Tribe. The Hualapai Wellness Court has identified a problem within the community and managed to bring together different agencies, the Court, Probation, the Prosecutor and Health Department and coordinate a successful program that addresses the alcohol problem within the Tribe. The Wellness Court, through coordination of resources and teamwork, has made the justice system function better.

The Tribe has demonstrated it has the dedicated people and desire to improve the justice system. They need the structure that will facilitate teamwork, common goals and Hualapai justice. The Wellness Court has already illustrated that for the Hualapai Tribe, teamwork, coordination, and a common goal leads to a better justice system. Now the challenge is how to organize the justice system and create a structure that works as for the entire justice system.

WHY A HUALAPAI DEPARTMENT OF JUSTICE?

The Hualapai Wellness Court, which has become a model for other tribes, illustrates that the coordination of resources with a common goal can improve and strengthen the justice system. Probation officers, the Health Department, Prosecutor, and the Court came together, across agencies, to create a unique team that tackles a serious problem that has plagued the Hualapai community for several years.

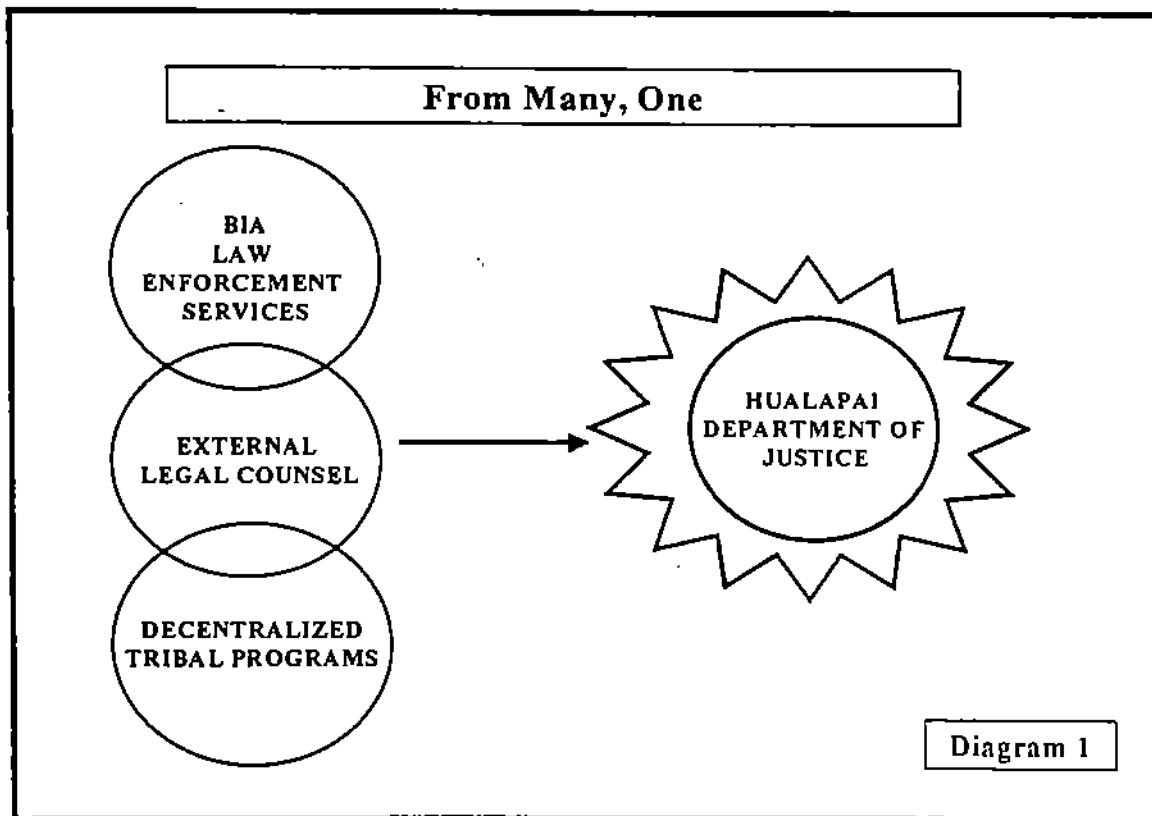
The Hualapai Tribe has already demonstrated it is successful at creating a program that coordinates resources and uses common goals to improve the Hualapai justice system.

**JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

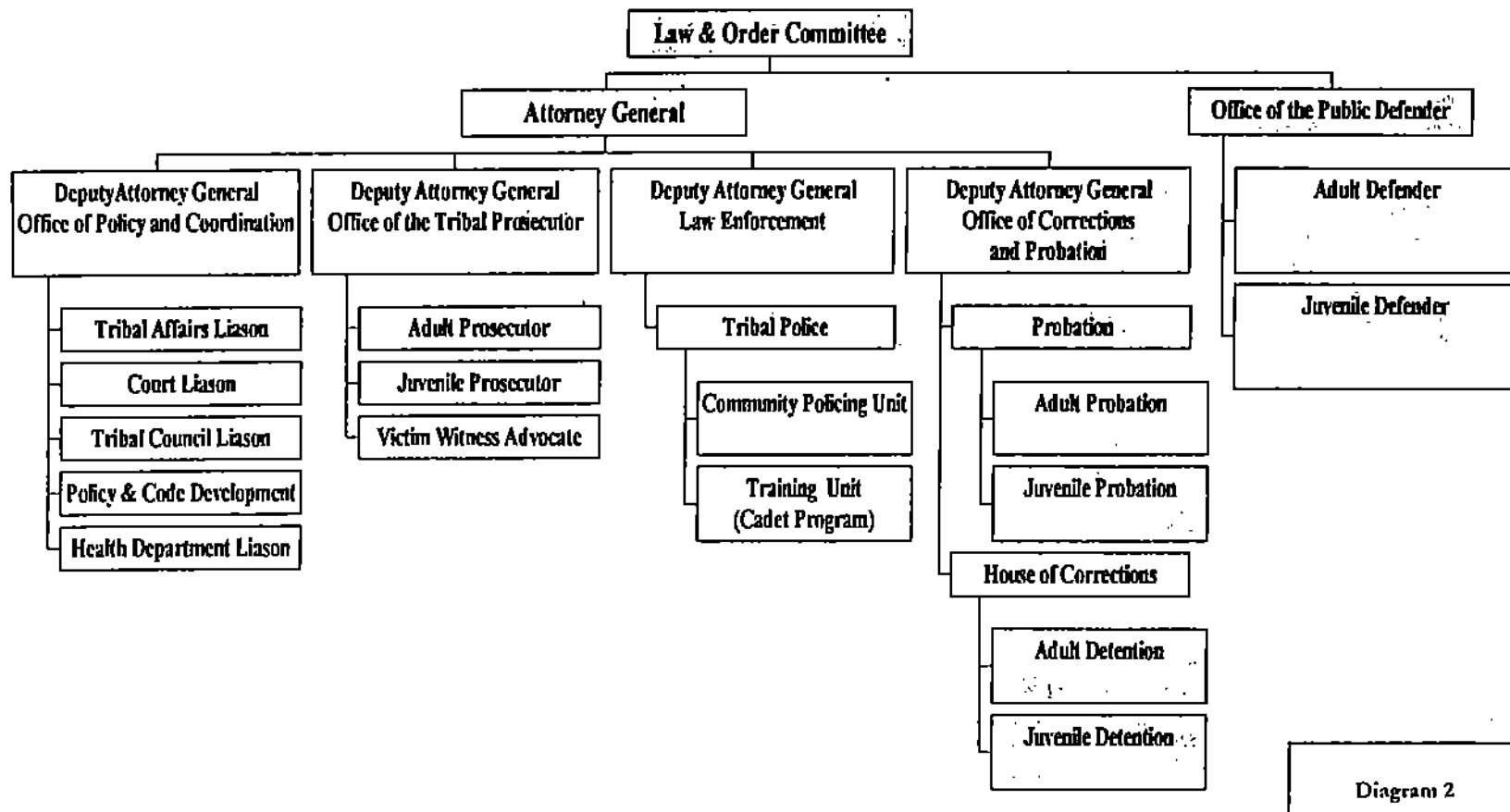
**THE HUALAPAI
DEPARTMENT OF JUSTICE**

Currently, Hualapai law and order functions are largely decentralized with services provided by the Bureau of Indian Affairs, Hualapai tribal programs, and external legal counsel. The development of a Hualapai Department of Justice will establish a centralized unit under which existing law and order programs and newly created offices will function efficiently as one unit responsive to the evolving needs of the Hualapai Nation and move the justice system from many disorganized units to one department charged with administering justice. (See Diagram 1.) The operating units within the Department of Justice will report to the Attorney General, who is ultimately accountable to the Hualapai Nation, as opposed to an outside entity. (See Organization Chart – Diagram 2.)

The Hualapai Department of Justice (HDOJ) as a distinct entity aligned under a common vision will improve accountability coordination, efficiency and quality of justice programs on the reservation. Not only will the HDOJ provide an efficient administration of justice, it will exercise and strengthen the Tribe's sovereignty, foster economic development, allow the Tribe to ensure the justice system reflects Hualapai culture, and make the Hualapai Reservation a safer place to live. A Hualapai Department of Justice will allow the Tribe to manage all justice affairs from legislation and enforcement to adjudication and correction.

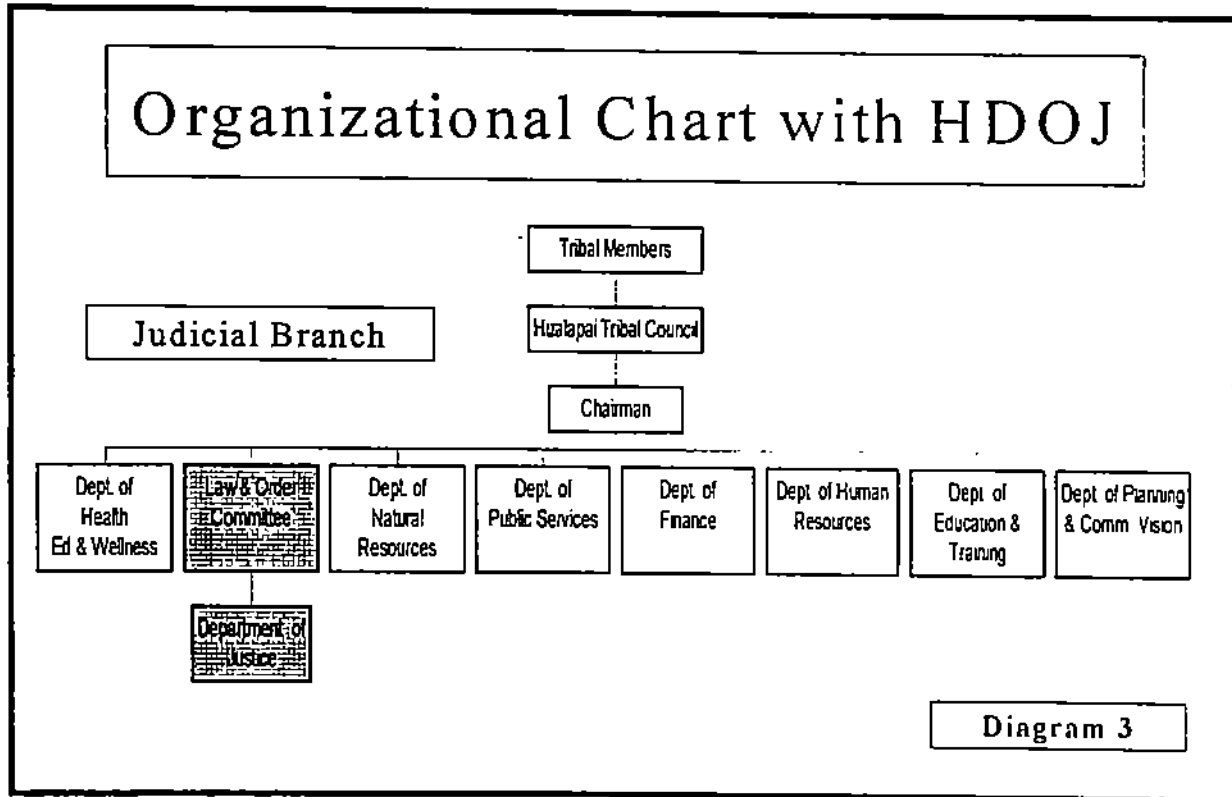


Hualapai Department of Justice



**PLACEMENT OF HDOJ
WITHIN THE HUALAPAI
GOVERNMENT**

Prosecutors, police, and probation all enforce and administer the law and as a result exercise executive authority. Committees within the Tribe that draft laws and policies exercise legislative powers. As a result, a Hualapai Department of Justice, which would engage in both these duties, exercises executive and legislative power. Since the Hualapai Tribal Council possesses executive and legislative authority, the HDOJ should be responsible to them, much like the current departments within the Tribe. As a result, the HDOJ should be under the supervision of the Law and Order Committee, which is accountable to the Tribal Chair. (See Diagram 3.)



THE LAW & ORDER COMMITTEE

The Attorney General cannot be truly effective without the ability to act with authority. This officer needs the independence to carry out his duties without interference (political or otherwise) from the Tribal Council. The Law and Order Committee can be instrumental in the prevention of such interference.

A Buffer Board Offers Protection from Conflict of Interest

In order to prevent a conflict of interest between the Attorney General and the Hualapai Tribal Council there must be a buffer between the two parties. The Tribal Council must not have the ability to remove the Attorney General in the event he renders a decision deemed unfavorable by the Tribal Council. The current Law and Order Committee can act as a buffer between the Tribal Council and the Attorney General. With removal only based upon good cause, the Law and Order Committee will not only assist the Attorney General with their knowledge of the community and Hualapai justice system, they will also be able to help the Attorney General protect the HDOJ from political interference.

Good Governance

The recommendation to place the Law and Order Committee at the head of the HDOJ to act as a buffer board is not intended as a criticism of the Hualapai Tribal Council, but rather based upon an idea of good governance. A buffer board will promote independence of the Attorney General, while still holding him or her accountable to the Hualapai people through the Law and Order Committee. The buffer board will act much like a Board of Directors for a tribal corporation that removes a tribal council from the day to day decisions of the business.

Moreover, the expertise of the Law and Order Committee will assist the HDOJ and Attorney General in developing and guiding the HDOJ. Also, an Attorney General that is removed from the Tribal Council may be perceived by the community as fair and impartial. Thus, the Law and Order Committee will not only advise, but will promote good governance.

THE LAW AND ORDER COMMITTEE AS A BUFFER BOARD

- ◆ Protects the Attorney General from conflicts of interest with the Tribal Council
- ◆ Promotes Good Governance –
 - Acts like a Board of Directors for a tribal corporation to remove politics from the day to day decisions of the HDOJ
 - HDOJ will be perceived by community as independent and not influenced by politics

OFFICE OF THE ATTORNEY GENERAL

The Attorney General, and his deputy staff, performs four broad categories of functions. As discussed earlier, this can be narrowed or widened, depending on the needs of the Tribe. The Attorney General will oversee all branches within the Hualapai Department of Justice including the offices tribal prosecution, corrections, and law enforcement. The Attorney General will be responsible for effective administration, including maintaining appropriate standards of conduct, for each department within the HDOJ. This includes developing a mission and philosophy to identify and combat problems plaguing the Tribe.

Second, the Attorney General can provide legal advice to the Tribal Council and represent the Tribal in legal matters. Third, Attorney General, as the chief prosecutorial officer for the Tribe, will be responsible for the prosecution of all offenses within the Tribe's boundaries. The Attorney General is responsible for representing the Hualapai people in all matters relevant to law and order on the Reservation. And fourth, the Attorney General's Office can also be given the responsibility for research and development of law and policy.

The Attorney General should be knowledgeable of Hualapai tribal law and possess a sound understanding of federal Indian law and the Arizona Revised Statutes so that he might give advice and/or represent the Tribe in legal matters external to the reservation.

FOUR FUNCTIONS OF THE ATTORNEY GENERAL

1. Chief Administrative Officer of the Hualapai Department of Justice.
2. Provides Legal Advice to the Tribe and Represents Hualapai Nation in all legal matters
3. Chief Prosecutorial Officer of the Tribe
4. Oversees Development of Hualapai Law and Policy

ATTORNEY GENERAL ASSISTS WITH ACHIEVING GOALS

- ◆ Eliminates Political Interference Because Justice System Agencies Accountable to Him
- ◆ Head of HDOJ and Possess Power to Increase Communication, Coordination, Accountability
- ◆ Works with Community to Restore Faith
- ◆ Oversees Development of Law and Enforcement

Two Examples of Attorney Generals and Their Duties

**KICKAPOO ATTORNEY
GENERAL**

The Kickapoo Tribe of Indians in Kansas recently adopted an ordinance establishing an Attorney General.¹ The Kickapoo Attorney General is much more like a tribal attorney and focuses on civil matters and will represent the Council and tribal entities in dealings with the county, state, and federal governments.²

**NAVAJO ATTORNEY
GENERAL**

The Navajo Attorney General represents the Tribal government and acts as the Nation's attorney in both civil and criminal matters. The AG's office employs 19 attorneys and 4 Tribal Court Advocates. In addition, the Attorney General's office has administrative oversight of the Tribal Prosecutors Office which employs nine prosecutors.³

¹ Kickapoo Tribe of Indians, Kansas, News from the Nations, *Indian Country Today*, Sept. 6-13, 1999, B5.

² *Id.*

³ Telephone Interview, Brent Clapham, Deputy Attorney General Navajo Nation.

DEPUTY ATTORNEY GENERAL: OFFICE OF POLICY AND COORDINATION

The Deputy Attorney General of Policy and Code Development will oversee the day-to-day administrative duties and operations related to tribal law development and intra-governmental communication.

Achieving Self Governance and the Goal of Strong Laws: Policy and Coordination by Hualapai for Hualapai

Several Departments within the Hualapai Nation are already deeply involved in the process of developing codes and statutes to protect Hualapai interests such as air, water, wildlife, property rights, and business development. Currently, much of the legal writing is delegated to expensive external counsel in Washington D.C. Off reservation lawyers often charge exorbitant fees and may not have priorities of the Hualapai at heart. Also many different Hualapai committees draft codes with little coordination. With the development of Grand Canyon West the Hualapai Nation will need frequent code and statute development as legal issues continue to expand on a rapid basis. The Office of Policy and Coordination would be well positioned to meet that need. The Office seeks to reduce costs by offering a consolidation of the code writing effort, instead of separate departments attempting to draft legal resolutions in tribal matters, the effort will be streamlined under a single roof. Over time legal-writing expertise will be developed within the Tribe. Thus, the Tribe will benefit both from reduced expenditure and laws developed by those with a vested interest in the success of the Hualapai Nation.

BULGARIA'S REFORMS TO IMPROVE LAW AND POLICY

Bulgaria's new Minister of Justice, who is similar to an Attorney General, in one of his first acts of office set up a formal procedure to draft legislation.⁴

Toward the Goal of Increased Communication & Coordination – HDOJ Liaisons

A primary goal of the Hualapai Department of Justice is to reduce inefficiency caused by a lack of communication and coordination among current tribal organizations responsible for the maintenance of tribal law and order. The Office of Policy and Code Development will move the Tribe toward efficiency by increasing coordination among the various tribal agencies. Liaisons can be already existing staff members and given the authority to facilitate communication and coordination between agencies and branches.

Court Liaison

The Court Liaison will facilitate communication and cooperation between the Tribal Court, Tribal Prosecutor, Public Defender, and Tribal Police.

Tribal Affairs Liaison

The Tribal Liaison will foster coordination across the different tribal government bodies in cases where

⁴ Kjell Englebrekt, "Bulgaria," *Toward the Rule of Law*, FRE/RL Research Report, Vol. 1, Number 27, 3 July 1992, p.5.

JIWAY GWAVO - THE WAR ROOM BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

government coordination will affect a stronger result. For example, in a domestic violence case the Department of Justice may wish to consult with other governmental agencies such as the ICWA office to determine a course of action that best protects any involved juveniles. The tribal affairs liaison will also facilitate the coordination of enforcement responsibilities (e.g. between the Natural Resources Rangers and Tribal Police) so that public safety and resource protection achieve a maximum effect.

Tribal Council Liaison

The Tribal Council Liaison can keep the Tribal Council apprised of important developments related to Hualapai law and order. Also, the Council can communicate any concerns or problems through the liaison. The HDOJ may wish to communicate with local, state or Federal authorities of the United States, at such times the assistance of the Tribal Council will be necessary to foster such government to government dialogue. The Tribal Council Liaison will prove instrumental in coordinating such events.

Health Department Liaison

In effort to increase communication and coordination among tribal agencies dedicated to health service and the HDOJ the creation of a Health Department Liaison is necessary. The Hualapai Health Department is already quite active in the community, both in preventative measures and responding to local health concerns such as substance abuse and domestic violence. There is little doubt that the Health Department can be a key player in the future criminal justice response at Hualapai. By formally establishing a link between the two departments the community will be better served.

The HDOJ Health Department Liaison will be an instrumental force in creating and capitalizing upon interdepartmental efforts involving community health and law enforcement. The interaction between law enforcement and tribal managers responsible

for mental health, social welfare, and the Indian Health Service is critical to the concept of wellness at Hualapai.

A Strong Voice in the Process not Simply a Cog in the System

The Health Department is active in the criminal justice process, but largely receive their cases after they have been processed through the court system. The Health Department counselors can play a much more instrumental role if included much earlier in the process. Input from health professionals at the adjudication stage may help tribal judges determine the best resolution in a given case. The Health Department may be instrumental in shaping the justice system's response to substance abuse, domestic violence, and other forms of social disorder on the reservation. The Health Department Liaison will serve as a justice department insider who is chief advocate for the Health Department and ensures the lines of communication stay open.

FUNCTION OF OFFICE OF POLICY AND COORDINATION

- ◆ Develop Hualapai Law
- ◆ Increase Coordination and Communication through Liaisons

DEPUTY ATTORNEY GENERAL: TRIBAL PROSECUTOR

The Tribal Prosecutor is currently under the supervision of the Vice-Chair and this raises possible conflicts of interest because the Prosecutor is tied to a political structure that could interfere with the administration of justice. In order to remove this conflict of interest, the Office of the Tribal Prosecutor should be brought into the Hualapai Department of Justice organization. This move will also foster better communication and coordination, effectively increasing the manageability of the tribal prosecution caseload. Under the HDOJ umbrella the Prosecutor and police will be work together and report to the Attorney General. Even in the scenario of BIA police, the Attorney General may be able to foster better communication between the prosecutor and BIA police. The Department of Justice affords the Tribal Prosecutor support in gaining access to the services of the police, court staff, criminal investigators, corrections, and other related tribal government bodies and services. All of which are instrumental to the justice process.

Prosecutor: the Embodiment of Tribal Justice:

The Tribal Prosecutor represents the Hualapai Nation and is responsible for charging a suspect post-arrest. The prosecutor exercises a fair amount of discretion. They are able to decide whether to file a criminal charge, determine what charge is applicable, or arrange for a non-criminal disposition such as a diversion to wellness court. The Tribal Prosecutor also holds the power to negotiate a reduced charge or

recommend that the complaint be dismissed.⁵ If the Prosecutor decides to charge the defendant and subsequently the case goes to court it is their responsibility to try the case to its final conclusion. This includes the sentencing and appeals processes. Because the full enforcement of every Hualapai law is costly (both in time and dollars) the Prosecutor acts as gatekeeper of the entry process, they ultimately control the number of cases processed through the Hualapai judicial system each year. They must screen out cases where evidence is questionable, where criminal charges may be unfitting, or where the accused has been arrested erroneously.⁶ For these reasons the position of the Hualapai Tribal Prosecutor is one of great responsibility. To ensure the strong administration of justice the Prosecutor must be backed by an organization that will act as a support network (e.g. police, victim witness advocate, government attorneys). Working alone with no support, the Prosecutor can be overwhelmed by the volume of cases and becomes ill equipped to administer justice fairly. With the assistance of an Attorney General to provide support and shield her from political interference, the police, who will respond to her calls for further investigation, a victim-witness who will spend time answering victim's questions and assist with interviews, and probation officers who ensure offenders are complying with sentences, the Prosecutor can serve the Tribe better and administer justice effectively.

⁵ Introduction to Criminal Justice, 6th Edition. Joseph Senna & Larry Siegel. West Publishing Company, 1993 P24.

⁶ Introduction to Criminal Justice, 6th Edition. Joseph Senna & Larry Siegel. West Publishing Company, 1993. P24

**TEN RESPONSIBILITIES
OF A PROSECUTOR⁷**

1. Investigates Possible Violations of Tribal Law
2. Aids Police in Criminal Investigation
3. Determines if Criminal Charges will be Filed
4. Determines Type of Criminal Charge
5. Reviews applications for Arrest and Search Warrants
6. Subpoenas Witnesses to Crime
7. Negotiates Plea Bargains with Defense
8. Tries Cases in Tribal Court
9. Recommends Sentence to Tribal Judge
10. Represents Hualapai Nation in the Appeals Process

The Victim-Witness Advocate

The addition of a victim-witness is necessary to ensure the protection of victim's rights. Many states and some tribes are moving towards adopting a Victim's Bill of Rights. This type of statute ensures the victim is protected and has a voice during the prosecution of cases. However, it should be noted, this does not give the victim the choice to decide whether to prosecute. This decision must be made by the prosecutor to protect victims who are reluctant to come forward and to remove the burden of this decision from all victims.

A victim-witness advocate is an individual who is contact with the victim immediately upon the making of a police report. The victim-witness advocate keeps the victim advised of the status of the case, available counseling services, and what the next step in the process will be. The advocate is also normally present for any interviews by the prosecution and helps the victim through the court process.

The addition of a victim-witness advocate is necessary because it gives the victim support and a voice through the justice system. Often the prosecutor's goal is an efficient resolution of the case and which may not coincide with the victim's wishes. The victim-witness advocate helps the victim have a voice in the system, if the victim wishes, and receive the aid necessary to recover from the emotional and physical injury inflicted from the crime. Also, the victim-witness advocate can assist the prosecution with interviews, and supply information the victim may be reluctant to share with the prosecutor. The prosecutor is often too busy and it is not necessarily their role to help the victim in this manner. The end result is often the only contact the victim has with the justice system is the police interview, possibly a prosecution interview, and testifying. These contacts with the justice system rarely help the victim recover from injuries or protect her rights. It is the victim-witness advocate who ensures victims' needs are met and as a result, improve the administration of justice.

⁷ Introduction to Criminal Justice, 6th Edition. Joseph Senna & Larry Siegel. West Publishing Company, 1993. P384

TRIBAL PUBLIC DEFENDER

The position of Public Defender used to exist at Hualapai and was cut due to loss of funding.⁸ Many tribal members recognized the need to restore this position.⁹ The public defender is a professional advocate that provides legal counsel for indigent defendants. The mission of the Tribal Public Defender is to present the best possible legal defense for the defendant in a criminal trial. The Public Defender will be instrumental in protecting the tribal members' bill of rights as delineated by the Hualapai Constitution. Without a public defender, these rights can go unprotected. In cases where the defendant does not ordinarily have access to legal counsel this becomes especially important. Representation for all members is important to uphold justice. The public defender will hold the government accountable and ensure the maintenance of justice on the reservation. Since there is a conflict of interest between the Attorney General, the Tribal Public Defender should report directly to the Law & Order Committee.

NINE RESPONSIBILITIES OF DEFENSE COUNSEL¹⁰

1. Independent Investigation of the Incident
2. Interviewing All Relevant Witnesses (Client, Police, and others)
3. Representation of Client at All Pre-Trial Procedures
4. Entering into Plea Negotiations with Prosecution
5. Preparing the Case for Trial
6. Filing and Arguing all Legal Motions with the Tribal Court
7. Providing the Defendant a Zealous Defense at Trial
8. Providing Assistance at Sentencing
9. Determining the Appropriate Basis for Appeal

⁸ Interviews with Hualapai tribal and community members. November, 1999 and January, 2000.

⁹ Interviews with Hualapai tribal and community members. November, 1999 and January, 2000.

¹⁰ Introduction to Criminal Justice, 6th Edition. Joseph Senna & Larry Siegel. West Publishing Company, 1993. P398

PUBLIC DEFENSE AT TOHONO O'ODHAM
THE ADVOCATE

The Advocates office at Tohono O'odham is composed of six Arizona bar-certified attorneys and three advocates (the advocate position is analogous to that of a law clerk, advocates are also able to represent clients in Tribal Court). The Advocates office provides legal aid to enrolled members of the Tohono O'odham Nation and will represent clients in both civil and criminal cases. There is no income requirement to receive legal advice from the Advocate's office. In the 1999 calendar year the Tohono O'odham Advocate's office opened 361 criminal cases, 310 juvenile cases, and 260 civil cases. The Tohono O'odham nation is very supportive of the Advocate program and the current budget is \$832,000 to include both staff salaries and department operating expenses. The Advocate's office does little to formally advertise its services; the office largely relies on word of mouth. The Advocate's office maintains a professional relationship with the Tohono O'odham Police department and Prosecutor's Office. Jim White, Chief Advocate at Tohono O'odham, attributes much of the department's success to the maintenance of good working relationships both internally and externally.¹

**FOR FURTHER INFORMATION REGARDING LEGAL AID/PUBLIC DEFENSE AT TOHONO
O'ODHAM PLEASE CONTACT:**

Jim White, Chief Advocate

(520) 383-3905

¹ Interview with Jim White, Tohono O'odham Chief Advocate.

DEPUTY ATTORNEY GENERAL TRIBAL POLICE

Looking Toward the Future: A Hualapai Administered Police Force

At present, Hualapai reservation law enforcement services are administered through the United States Government's Bureau of Indian Affairs. The creation of a Hualapai Department of Justice affords the Hualapai people the opportunity to provide police services for themselves, attaining the vision goal of self-governance. The Hualapai has identified community policing and problem solving crime prevention as fundamental priorities of the Tribe.¹¹ (See Appendix: Community Policing). The Bureau of Indian Affairs prefers the traditional patrol model of crime detection. The discrepancy between the Bureau of Indian Affairs Law Enforcement Services (LES) strategy and the Hualapai's needs pose significant problems for the Tribe. In order to remedy this situation the tribe must look to acquire control (P.L. 638) of the law enforcement contract from the Bureau of Indian Affairs. Preparation for this event will require training law enforcement personnel, obtaining funding, and training management. The principal benefit of assuming control of law enforcement is that the police will be accountable to the Tribe. Other benefits of a Hualapai administered Police Department include direct control of police conduct. The Hualapai Nation as opposed to an outside party will address issues of brutality, which currently plague the BIA police.

¹¹ Interviews with Hualapai tribal and community members. November, 1999 and January, 2000.

OBJECTIONS & FUNCTIONS OF THE POLICE¹²

- | |
|---|
| 1. To Prevent and Control Conduct that Threatens Life or Property |
| 2. To Aid Individuals Who are in Danger of Physical Harm |
| 3. To Protect Individual Rights |
| 4. To Facilitate the Movement of People and Traffic |
| 5. To Assist Those Who Cannot Care for Themselves (the intoxicated the mentally ill, the addicted, the physically disabled, the elderly) |
| 6. To resolve Conflict |
| 7. To Identify Problems that have the Potential to Become More Serious Problems for the Individual citizen, for the Police, or for Government |
| 8. To Create and Maintain a Feeling of Security in the Community |

¹² The American System of Criminal Justice, 6th Edition. George F. Cole. Brooks/Cole Publishing Company. 1992. P210, and Introduction to Criminal Justice, 6th Edition. Joseph Senna & Larry Siegel. West Publishing Company, 1993. P398

Responding to Hualapai Priorities: Tribal Police, Community Policing Unit

Community policing has been established as a priority at Hualapai. The creation of a Hualapai Department of Justice provides a support structure for a community policing unit within the Office of Tribal Police. The sub-division within the Tribal Police Department would be dedicated to community policing. The goal of the community policing unit is reduced crime through increased police-community interaction. As opposed to the traditional model of motorized patrol and response to calls for service, the community police officer would be primarily on foot patrol (in rural location such as Peach Springs the community police officer would also need access to an vehicle to move between neighborhoods). The community policing unit would benefit the Hualapai Nation by adding a dimension to the police function that is more difficult to achieve via traditional policing methods. Some improvements include: heightened interaction with the community (which may prove instrumental in addressing current community concerns regarding police brutality), marketing police services, early intervention and a more proactive approach to crime prevention (i.e. soliciting information that may enhance the public safety function on the reservation). Ideal staffing would provide one (or more) community police officer per shift.

Cross Deputization: Benefit or Burden

The Hualapai Nation may wish to pursue cross deputization agreements with area law enforcement agencies. There are pros and cons to cross deputization. Some benefits of cross deputization include: increased enforcement capability due to extended resources (such as back-up for Hualapai Officers responding to an incident); possible increased patrol of border locations; an ability to arrest tribal members and non-members for state offenses; an ability to build a stronger alliance to protect tribal land and tribal members and increased authority in the surrounding area. Disadvantages to entering a cross-deputy agreement include: differences in enforcement style, increased responsibility for Hualapai officers, responsibility to an outside jurisdiction, and a potential increase in the police budget (training expenditures may rise with a cross deputization agreement).

**CROSS DEPUTIZATION
AT FLATHEAD**

One of seven Montana reservations, the Salish Kootenai possess one of two cross-deputization agreements in the State. Their agreement is the largest, as it covers the Salish and Kootenai Tribes, the city of Roman, Missoula County and Flathead County.¹⁵ The agreement allows tribal police officers to issue citations for state and federal misdemeanor violations and non-tribal officers may issue citations to tribal members on the Reservation, but may not make arrests.¹⁶

¹⁵ Fort Peace Revokes Co-op Law Enforcement Authority, *Indian Country Today*, Nov. 8-15, 1999, C3

¹⁶ *Id.*

**CROSS DEPUTIZATION
AT GRAND TRAVERSE
BAND OF OTTAWA AND
CHIPPEWA INDIANS**

The Grand Traverse Band of Ottawa and Chippewa Indians, located in Michigan, has entered into a mutual aid agreement with Leelanau County. Not only are tribal officers authorized to act on behalf of the county, but also county sheriffs may act on behalf of the Band.

The agreement states in part, "The County Sheriff and the Tribe's Chief of Police or their designees may request reasonable assistance from the other jurisdiction when reasonably necessary for efficient law enforcement."¹⁵ This serves both the county and Band well. At times Leelanau County has only one car on duty, while the Band normally has two on patrol.¹⁶

*Police & Prosecution: Bridging the
Communication Gap*

Taking control of law enforcement services will also bridge the communication gap that currently exists between police and prosecutor. Due to a lack of mutual support and understanding the system currently struggles with failure to enforce court

¹⁵ George Weeks, *Mem-ka-weli Dawning of the Grand Traverse Band of Chippewa Indians*, (Village Press: Traverse City, MI) (1992), 101.

¹⁶ *Id.*

mandates and other legal proceedings. Tribal control of law enforcement means that both police and prosecutors may be synchronized in their efforts to combat crime and disorder at Hualapai. Policies and goals may be crafted jointly as opposed to the current system in which police and prosecution operations tend to occur independently at best. The police currently report to BIA Law Enforcement Services administration and the tribal prosecutor reports to the Hualapai Tribal Council, which causes an inherent conflict. The HDOJ structure provides a remedy as both Deputy Attorney General for Law Enforcement and Deputy Attorney General Tribal Prosecutor will report to the Attorney General, aligning justice priorities.

Cadet Corps Program (Training Unit)

As the Hualapai Nation looks toward the future and the eventual control of its police service, it must take action now to cultivate interest among its youth and develop a pool of qualified candidates for the current BIA administered tribal police. For it is those members who gain valuable experience in policing today who will inherit leadership positions in the Hualapai administered force of the future. (See Appendix - Cadet Program Snapshot: San Diego & El Segundo Boston).

A cadet program at Hualapai has been investigated previously and tribal members expressed the need for such a program.¹⁷ Historically, the Hualapai have had trouble recruiting qualified candidates from within due to tribal members' frequent inability to pass an extensive background investigation required for employment. In order to remedy this situation tribal planners have proposed the creation of a Cadet Corps that will serve as a solid recruitment base for tribal police. The Hualapai Department of Justice under

¹⁷ Interviews with Hualapai tribal and community members. November, 1999 and January, 2000.

**JIWAY GWAVO - THE WAR ROOM
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the Tribal Police Department's training unit would manage the Cadet Corps. Interested high school students or graduates between the ages of 15 and 20 would be eligible to participate in the Cadet Corps Program. This program could be aimed not just at individuals considering a career in law enforcement but to all Hualapai youth interested in career guidance. Participants in the program would gain exposure to and a better understanding of tribal government and public safety issues on the Hualapai reservation. Successful completion of the program may lead to tribal recommendation for a COPPS Officer or BIA Officer placement at the BIA police academy in Albuquerque.

**BENEFITS OF THE CADET
PROGRAM**

- ◆ **Cultivate an Interest in Law Enforcement among Hualapai Youth**
- ◆ **Create a Strong Partnership Between Police and Hualapai Youth**
- ◆ **Develop a Local Pool of Qualified Police Officers**
- ◆ **Offer Hualapai Youth Exposure to Career Planning**
- ◆ **Enable Youth to Pass Background Investigations via Early Intervention**

DEPUTY ATTORNEY GENERAL CORRECTIONS

The correctional facility at Hualapai, currently administered by the Bureau of Indian Affairs, should be added to the roster of post-adjudicatory supervision programs already in place on the reservation. Again, moving toward the vision of self-governance the Hualapai should look to take control of their corrections system thus controlling the final and arguably most important phase of the criminal justice process. Control of post-adjudication (corrections, probation, and reform) provides the Tribe an opportunity to apply Hualapai values to the process of correction. To take control of the BIA correctional facility means taking complete ownership of the justice system at Hualapai. Accountability in the realm of justice that currently flows off reservation to Albuquerque and Washington D.C. can be brought back home under the stewardship of the Hualapai Nation. The Hualapai have done well with their probation system that currently employs two probation officers. In addition to their probation of wards of the Hualapai Tribal Court these officers are also tasked with overseeing those who are under the direct supervision of the Hualapai Wellness Court. The Tribe is currently seeking additional funds to build a new multi-million dollar juvenile detention center that will house inmates from five tribes. Under the proposed HDOJ structure the Tribe would be in a good position to manage the corrections process once the facility is built.

FUNCTION OF THE OFFICE OF CORRECTIONS

- ◆ Improve Self Governance
- ◆ Coordinate Post-Adjudication
- ◆ Apply Hualapai Values to the Corrections Process

Uniform and Unified: Justice at Hualapai

A Hualapai Department of Justice with its various functions and officers will move the Tribe closer to its vision by streamlining the efforts of several resources and agencies to create a single department with an important mission. The HDOJ will be uniform in its policy and practices with a staff dedicated to serving the members of the Hualapai Nation. Through the coordination of the justice system resources, the Hualapai Department of Justice will strengthen the Tribe and move the Tribe towards its vision.

The Organization: Many, One



• A HDOJ That Coordinates and Communicates Across the Justice System

- Law and Order Committee**
- Attorney General**
- Office of Public Defender**
- Office of Policy and Coordination**
- Office of Prosecutor**
- Office of Tribal Law Enforcement**
- Office of Corrections and Probation**

Jiway Gwavo The War Room



Building a Hualapai Department of Justice

Implementation of the Organization Plan ~Getting Started~

IMPLEMENTATION OF THE ORGANIZATION PLAN

Developing a Hualapai Department of Justice cannot happen overnight. It requires hard work, dedication, and coordination of many of the resources of the Hualapai justice system. The implementation focuses on building on the current justice system and moving towards the proposed justice system or HDOJ. (See Current System and Proposed System, Diagram 1.) The development of a Hualapai Department of Justice can be accomplished in phases, carefully thought out and discussed to ensure the Department evolves into an effective institution that serves the Hualapai people. The implementation of the organization plan is broken into four time frame or phases. It should be noted, that each step within the different phases do not have to be done in order. Although the phases are meant to build upon one another, steps within one phase can be accomplished during another. For example, this report assumes an Attorney General will not be hired for approximately six months to a year, so a majority of the work falls upon the Law and Order Committee. However, if an Attorney General is found early on, he or she can assume many of the tasks assigned to the Law and Order Committee. Included in the Appendix are Checklists that delineate each task and the primary person responsible for the completion of the task.

THE PHASES

Getting Started

These are three steps the Tribe can undertake today to begin building a HDOJ to achieve the Hualapai vision. The expected time frame is one month.

Phase One

Phase One focuses on the beginning steps and coordinating the current resources. The goal of this period is to lay the HDOJ framework. Moreover, Phase One can be done with minimal additional funds. The expected time frame is six months.

Phase Two

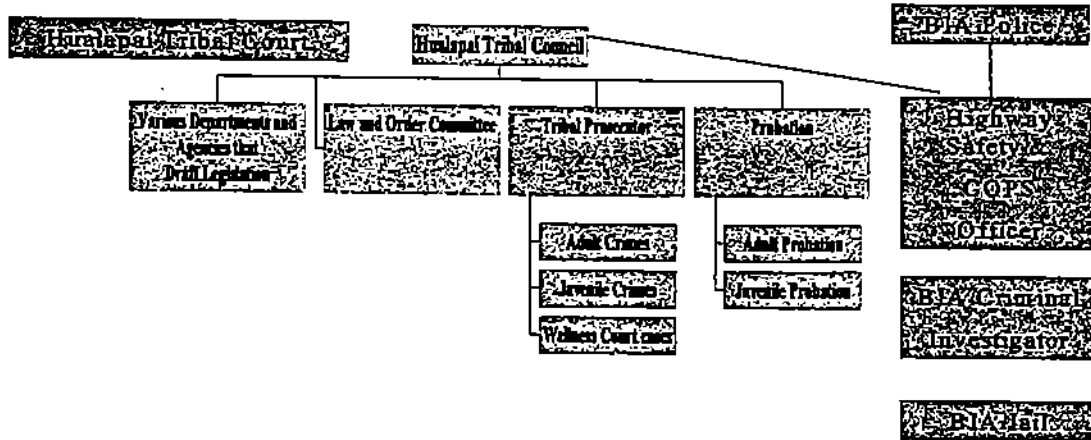
Phase Two will require the more difficult steps of actually finding an Attorney General and ensuring the funding for the Department. It also encompasses defining and reworking the Tribe's relationship with the BIA police through reworking or solidifying the Memorandum of Agreement. The expected time frame is an additional six months or one year from the start of Phase One.

Phase Three

Phase Three focuses on securing 638 contracts for all the agencies the Tribe determines are necessary and feasible for the successful performance of the Hualapai justice system. The expected time frame is an additional six months and on from the end of Phase Two.

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Current Hualapai Justice System



Proposed Justice System

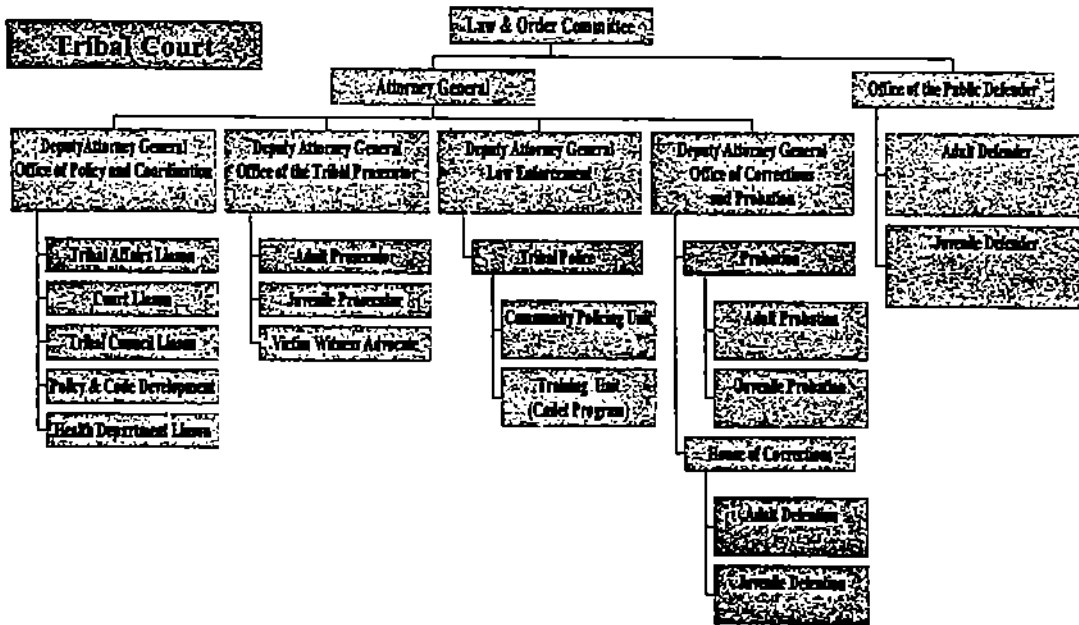
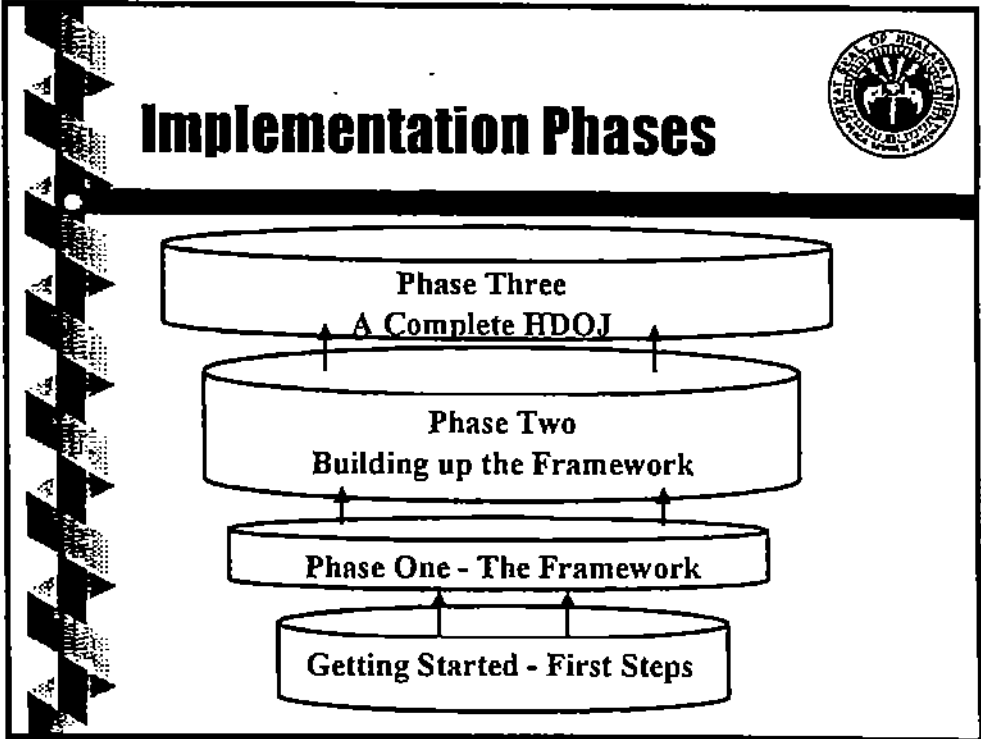


Diagram 1



GETTING STARTED

1. COUNCIL DELEGATES AUTHORITY TO LAW AND ORDER COMMITTEE TO DEVELOP HDOJ

As discussed in the previous section, a Department of Justice will benefit from having a buffer board. The first step in beginning a Department of Justice is for the Tribal Council to delegate the authority or charge the Law and Order Committee with the power to draft a statute and develop the framework for the Department of Justice.

Why the Law and Order Committee?

The natural committee for the buffer board is the Law and Order Committee. Although it is entirely possible to create a new committee, this has a few drawbacks. First, the Council will have to create an entirely new committee and recruit members. Second, these individuals will have to be trained in how the current criminal justice system works. This will take time and merely duplicate the knowledge the current Law and Order Committee already possesses. One of the premises behind the HDOJ model is to use the current resources of the Hualapai justice system to shape the Department of Justice. The Law and Order Committee is very familiar with all of the current resources and problems of the justice system. Moreover, the Committee members are well connected and well known within the community. This will assist with building support from within the community and ensuring the HDOJ meets the community's needs. These assets should not be wasted and the Committee makes the logical choice of the buffer board.

This Delegation of Authority is Too Time Consuming

Since the Committee consists of individuals who hold jobs elsewhere in the community it will be difficult for them to spend a lot of time on the development of a

HDOJ. One possible solution is to hire an assistant for the Committee's whose sole focus is the development of a HDOJ. A possible funding source for this individual is Safe Communities Grant from BIA. Since this assistant is only necessary until an Attorney General is found and takes over many of the responsibilities, a grant-funded position should not place the project in jeopardy. However, this individual's experience may be invaluable and the Attorney General may want to keep her on as the HDOJ administrator. A second solution is to hire the Attorney General during the Getting Started phase and allow him or her to assume the responsibility for developing the HDOJ, while the Committee merely assumes the role of advisory and buffer board.

GETTING STARTED

- 1. Tribal Council Delegates Authority to Law and Order Committee to Develop HDOJ**
- 2. Schedule First Monthly Meeting**
- 3. Draft Attorney General Job Description**

2. SCHEDULE FIRST MONTHLY MEETING FOR ALL AGENCIES

The second step that can be done immediately is scheduling a meeting for all agencies that currently interact within the Hualapai justice system and that will interact in the future. This would be the Court, Prosecutor, Law and Order Committee, the Chief of Police, Probation, and also other

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voices within the system, such as Health Department counselors, Rangers, or maybe other Natural Resources or Juvenile resources. The meeting should be scheduled for the following month and the scope of these monthly meetings is discussed in Phase One.

3. DRAFT ATTORNEY GENERAL JOB DESCRIPTION

Although the model does not anticipate an Attorney General being hired until Phase Two, it is entirely possible that the Attorney General may be hired well before that time frame. This would lift the full responsibility off of the Law and Order Committee for developing the Hualapai Department of Justice. Either way, the job description should be drafted as soon as possible. The Tribal Council may want to have the Law and Order Committee draft the description with final approval by the Council

Attorney General Qualifications

Drafting the job description will entail a discussion of what the Tribe envisions as the role of the HDOJ and the qualifications required for a Hualapai Attorney General. This is a difficult issue the Tribal Council and Law and Order Committee must address. Two issues are whether the Attorney General should have a law degree and whether he or she should be a tribal member.

A. Tribal Member vs. Non-Tribal Member

The Committee will want to consider whether the Attorney General should be a tribal member. During interviews, several individuals pointed out that the Tribe needs someone from the community to be the Attorney General.¹ The reasoning behind this is many times outsiders have come into the community to fix problems plaguing the

Tribe. The outsiders have been successful, and once they accomplish this feat, the outsiders then leave the community, leaving a vacuum because no transfer of skills and knowledge has occurred. As a result, the problems return because no one within the community is qualified to prevent its reoccurrence. However, several community members also pointed out there are few tribal members with the qualifications to be Attorney General. This raises the next issue.

ATTORNEY GENERAL QUALIFICATIONS

- ◆ Attorney vs. Non-Attorney
- ◆ Tribal Member vs. Non-Member
- ◆ Three Options
 - AG with Term Limit - Trains Tribal Member
 - HDOJ Manager - Tribal Member with Experience
 - AG with no Term Limit - An Attorney and Non-member

B. Law Degree vs. Experience

The Committee will also need to address the issue of whether the Attorney General must possess a law degree. This illustrates the question of whether the Attorney General's role is to provide legal advice to the Council in addition to running the HDOJ, or whether it is mostly managerial. If the main role of the Attorney General is to coordinate the different resources within the justice system, the requirements of managerial experience and a familiarity with the Hualapai criminal justice system may be more appropriate. In an ideal world, an Attorney General would have both these qualities and be a tribal

¹ Interviews with Hualapai community members, November & January 2000.

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member. However, that is not realistic, because although several tribal members possess law enforcement experience, few if any possess a law degree.

C. Three Options

i. An Attorney General with a Limited Term

One option is to require the first Attorney General possess a law degree, but not tribal membership. The Attorney General would have a limited term and one of his express roles would be to train a tribal member, a designated deputy attorney general, who possesses the experience but not a law degree. A requirement of the deputy attorney general would be to attend law school and work at the HDOJ during the summers while completing law school. Thus, the Attorney General could establish the framework for the HDOJ, while training a qualified tribal member that is only missing the requirement of a law degree. Once the Attorney General's limited term is completed, which should coincide with the designated deputy attorney general's completion of law school and passage of the bar exam, the Attorney General would step down while the deputy attorney general would become the new Attorney General.

ii. HDOJ Manager with Legal Support

If it is more important that the head of the HDOJ be a tribal member, the other option is to not require the Attorney General to have a law degree. In this instance, the focus of the Attorney General would be more as a manager, thus the term HDOJ Manager or Chairperson. In this instance, it would be necessary to add an office or deputy attorney general to handle many legal matters and advise the HDOJ Chair. As legal issues will consist of a sizeable portion of the HDOJ's duties, it necessitates legal expertise somewhere within the Department. However, creating a Chairperson in lieu of an Attorney General will allow the Manager to

focus on creating an effective Hualapai Department of Justice and facilitating problem-solving techniques in using the philosophy of Jiway Gwavo to address the social problems facing the Tribe. Without a law degree, the HDOJ Chair will not become burdened and distracted with many of the legal issues that face the Tribe, but do not necessarily involve the justice system.

a.) A Council Member as the HDOJ Manager.

The Hualapai Tribal Council is currently considering moving to a portfolio system which would allow each member of the Council to be in charge of one department within the tribal administration. This is also a possibility for the Department of Justice. An elected Councilor could be designated as the Department of Justice Attorney General or Manager.

There are several issues that should be considered with this option. Having the Attorney General be elected would ensure that he or she is responsive and accountable to the Hualapai people and a tribal member. However, there are some problems that will need to be discussed and thought out. Having an Attorney General that is a member of the Tribal Council may result in politics becoming involved in the Hualapai Department of Justice. The purpose of the Law and Order Committee is to provide a buffer and advisory board to the Department. But when the Attorney General sits on the Council, the buffer board may be circumvented. Also, the position of Attorney General may result in one Council member becoming more powerful than the other Council members. A last issue to consider is that an elected Attorney General, with a four-year term, may not provide the expertise the Department needs. Although it is likely only a tribal member with the experience would run for the position, there is no guarantee. And a change in Attorney General's every for years may make it difficult to sustain the Department's performance.

iii. Attorney General – No Term Limit

The final option is to require a law degree, but not tribal membership and no term limit. Thus, the Attorney General will most likely be a non-tribal member and possibly an outsider. There would be no provision about training a tribal member. This would allow the Attorney General to focus solely on building the HDOJ. The problem with this scenario is that if the Attorney General were to leave, a vacuum would be created. The Tribe must make some provision or attempt towards training a suitable replacement. It is possible that one of the deputy attorney generals could replace the Attorney General, however they would need a law degree. Thus, it may be that the next replacement is also a non-tribal member. The Committee and Council must decide what its goals are concerning a HDOJ. If they decide the Hualapai people should run the HDOJ, the Council may want to hire an Attorney General without a law degree or an Attorney General that fills the position until a tribal member has the necessary requirements.

Getting Started



- ⊙ **Delegate Authority to Law & Order Committee to Develop DOJ**
 - Experts in Hualapai Justice
 - Find Assistant
- ⊙ **Schedule First Monthly Meeting for All Agencies**
- ⊙ **Draft Attorney General Job Description**
 - Attorney vs. Non-Attorney
 - Tribal Member vs. Non-Tribal Member

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Building a Hualapai Department of Justice

Implementation of the Organization Plan ~Phase One~

PHASE ONE IMPLEMENTATION

1. HOLD MONTHLY MEETINGS

The Law and Order Committee already holds meetings and invites the Court, Police, and Prosecutor. The purpose of these meetings can be expanded to focus on developing a HDOJ. One main task at monthly meetings will be to develop a relationship between the justice system agencies to allow them to coordinate, cooperate, and communicate. Also, the meetings can focus on outlining the structure for the HDOJ and necessary training.

A. Coordinate/Cooperate/ Communicate

As discussed earlier, one of the problems is many of the current agencies or entities within the justice system do not communicate or work towards a similar goal. The end result is several different agencies working autonomously, with little or no coordination. This first step in creating a Hualapai Department of Justice is to begin to facilitate coordination and lay the groundwork for a Department that works well together. The meetings should have two goals. First, The meetings should also be used to outline the process for the criminal justice system, similar to the flow chart (See Diagram One – Criminal Assembly Line). Each agency should be identified, along with the role they play. Furthermore, each individual should be identified on the map. This will allow all individuals, from the police dispatcher to the court clerk, to see where they fit within the system. This map should also illustrate how each person is important to the success of the system. This will help individuals understand their role and the necessity of performing the job well. The chart will also help identify missing resources or perhaps resources that are present in the community, but not at the meeting and should be included next time.

Second, the meetings should be used to identify problems within the justice system

and within the community and develop problem-solving strategies to resolve the problems. Due to limited resources, the facilitator of the meetings will have to resort to creative problem-solving methods and ensure the meeting does not result in merely identifying individuals as the source of the problem.

PHASE ONE IMPLEMENTATION

- ◆ **Hold Monthly Meetings for Justice Agencies and Court**
- ◆ **Begin to establish funding**
- ◆ **Designate liaisons**
- ◆ **Select and train community service officers**
- ◆ **Improve Image**

THE CRIMINAL JUSTICE ASSEMBLY LINE*

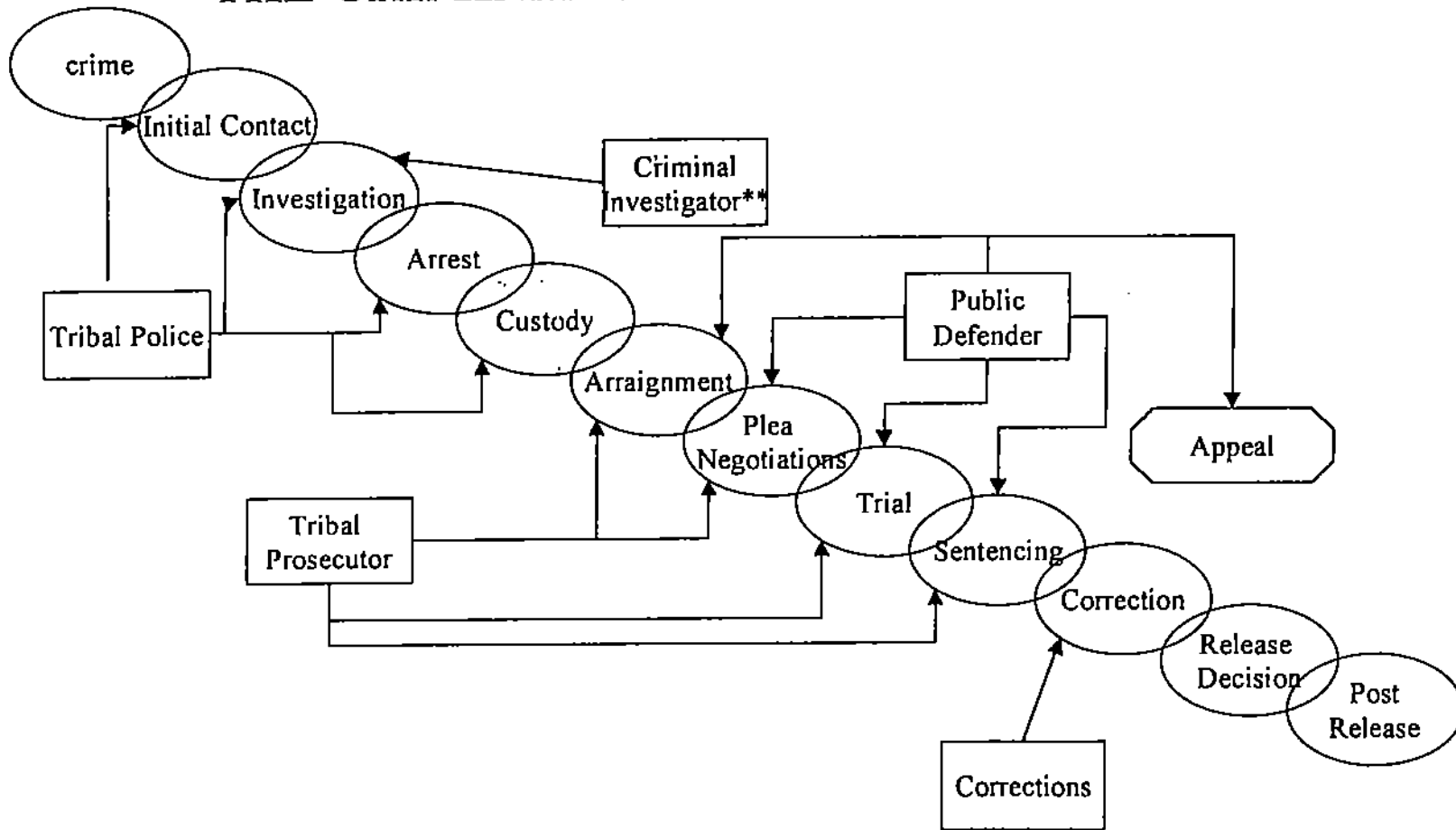


Diagram One

* INTRODUCTION TO CRIMINAL JUSTICE. SENNA & SIEGEL. WEST PUBLISHING COMPANY 1993. PP 33-4.

** Some Major Act Crimes are likely to be investigated by a U.S. government criminal investigator

Problem-Solving Example: Service of Warrants

One problem that was continually pointed out was the BIA police do not serve the bench warrants issued by the Court.¹ This is a prime example of how problem solving between the different justice entities can work. One reason for failure to serve the warrants is lack of resources. There are not enough officers to patrol, much less serve warrants. The facilitator of the meeting must set aside this aspect of the problem and encourage the group to develop ideas to circumvent this problem. The facilitator must remind the parties that they may have to try several ideas before a workable solution is reached. Possible solutions include;

- 1) At the end of the day the Court staff walks a list of the new warrants over the police dispatcher. The police dispatcher is responsible for making sure the officer who is on duty has the warrants. Thus, if any of those individuals are contacted that evening, the officer will have the warrant and can serve them.
- 2) The Tribal Council could grant probation officers the authority to serve warrants. Thus, any warrants affecting their probationers could be served by the probation officers.
- 3) The police officers could delegate three hours a week where they serve warrants.

A number of different solutions are possible. To reinforce any solution, the Court must act on the warrants to demonstrate to the police and probation that their efforts have not been wasted. The Court can then follow up with a report at the monthly meeting about how many warrants have been served and cases resolved due to the warrants being served.

B. Outline Plan for HDOJ

Another purpose of the monthly meeting is to begin to outline the plan for the Department of Justice. Using the justice system map developed during the meetings, the Law and Order Committee and other agencies can determine the necessary elements of a HDOJ that will ensure a fair and equitable dispensation of justice and achieve the Hualapai vision. The model described in the previous section, may work perfectly on paper, but will not work in reality if all the players are not committed to the implementation. The agencies in the justice system must be involved in the development of the Hualapai Department of Justice, because the purpose of the HDOJ is to improve their jobs.

In addition, as the outline for the HDOJ is developed, a mission and common goal for the HDOJ should be defined and adopted as well. Discussing the idea of Jiway Gwavo, the participants in the meeting should focus on how best to use this philosophy, and this will in turn affect the elements included in the HDOJ. It will be at the team monthly meetings and training sessions, that the team members develop the strategies to implement Jiway Gwavo

**PURPOSE OF
MONTHLY MEETINGS**

- ◆ Coordination/Communicate/ Cooperate
- ◆ Outline HDOJ
- ◆ Plan Training

¹ Interviews with Hualapai community members, November 1999 & January 2000.

C. Plan Training/Retreat

The monthly meetings should also focus on developing cross training so all individuals within the Department of Justice not only understand how each other and the whole system works, but also work together as a team. Cross training or a retreat will allow time for all members of the Department of Justice to get to know each other and discover ways to work together. Creating a team is not an easy task, and the Law and Order Committee and the Attorney General, when selected, may often function like a coach, developing the team goals and strategies and encouraging the team members to work together as a unit to accomplish the goals.

Publicizing Monthly Meetings

An issue the Law and Order Committee and Attorney General will have to deal with is whether to publicize their work concerning HDOJ. Obviously, the community should be advised and educated about a HDOJ and the positive effects it will have on the community. It will also be beneficial for the community to become involved, although that may not happen a lot in the Phase One. However, the question becomes whether to publicize all the actions during the Phase One to educate the community and create commitment and accountability through the public's knowledge of their actions. The other choice is to simply conduct Phase One without a lot of publicity if the Committee or Attorney General fears any sort of perceived failure would place the entire project on the back burner. In any project there will be some failures and roadblocks. However, this is not necessarily a reason to wait until a certain amount of success is achieved before publicizing the creation of a HDOJ. Community support and understanding is an important element of the HDOJ. It may be better to publicize the meetings to not only educate, but include the community.

Articles or reports can be published in the tribal newsletter. Also, presentations can be made at local meetings, which can be used to educate tribal members and gather information about problems with the justice system. The Law and Order Committee is very tied to the community and community members should feel free in discussing the HDOJ with the Committee and even giving suggestions. Furthermore, this publicity will create accountability of the agencies to the community. If the agencies in the meetings commit to certain projects or steps, and it is publicized in a report to the community, the agencies will be accountable to the people for completion of the step.

PUBLICIZING MONTHLY MEETINGS

- ◆ **Creates Commitment from Justice System Agencies**
- ◆ **Educates Community**
- ◆ **Allows for Community Input and Support**

2. DRAFT HDOJ STATUTE

Part of the Law and Order Committee's duties should be to draft a statute, which will create the Department of Justice. The reason for embodying the HDOJ in a statute is to ensure its longevity. Often times many programs and projects are begun, but when the funding runs out the program quickly disappears. By creating the HDOJ through a statute, the Tribe is required by its own law to ensure the HDOJ continues to function. Furthermore, creating a HDOJ by statute will also cement its structure and insulate it from politics. If the statute very clearly delineates the purpose of the Law and Order Committee and the Attorney General and deputies, the HDOJ will be able to function in a more stable and consistent manner, separate from the politics of the Tribe. (See Appendix – Proposed Statute.)

3. DEVELOP FUNDING BASE

During Phase One and remaining phases, the Law and Order Committee and Attorney General, along with the Tribal Planner, should be working to determine the funding for the HDOJ. During the Phase One, funding is not a necessity as all of the resources focused on are present in the current system. However, funding for the Attorney General and other aspects of the HDOJ must be ascertained as early as possible. (See Appendix – Potential Budget). There are many possibilities for grants and funding sources. (See Appendix – Potential Funding Sources.) However, the Tribe will have to delegate some of its general fund towards the HDOJ because it cannot function on grants alone. New sources of revenue can be generated through a tourist tax, raising traffic ticket and criminal fines and penalties. It may be best to pay the Attorney General from the Tribe's budget to ensure that position will be shield from loss of grants. If the Tribe eventually decides to 638 police and corrections, funding will have to be secured to maintain these services.

POTENTIAL FUNDING SOURCES
<ul style="list-style-type: none">◆ Tribal General Fund◆ Grants◆ Tourist Tax◆ Traffic Tickets◆ Criminal Fines and Penalties

4. DESIGNATE HDOJ LIAISONS

To begin facilitating communication the Law and Order Committee should designate the HDOJ liaisons. By designating these individuals early on, the framework for the Department of Justice will be laid and the flow of information and coordination can develop. The liaisons can be individuals that are already part of the Health Department, Court, Council, and thus they would not need to be funded through the HDOJ initially. However, the Tribe may want to think about having full time liaisons in the future. This will ensure that all voices continue to play a role in the justice system.

5. HIRE COMMUNITY SERVICE OFFICERS

The Tribe has currently hired two officers that focus on community policing. There are spots open for other officers, but many tribal members have difficulty passing the background checks. A partial solution is to

create Community Service Officers (CSOs). CSOs are not law enforcement in the sense that they carry a badge or have powers to arrest. However, they work with the police department and the community to facilitate community-policing programs. These officers can focus on developing the cadet program, alcohol and domestic abuse education programs, neighborhood watch programs, identifying community problems, and educating the community about the different resources within the justice system. Because the CSO's do not carry weapons or have powers to arrest, it is unnecessary for them to pass a background check. The Tribe may still want to have certain requirements, such as no convictions for violent or sex offenses to protect the community. It is also possible that the CSO's could actually respond to non-violent calls if necessary. But their primary goal should be to institute community policing and work with and the community, while not drawing on the limited resources of the police.

6. IMPROVE IMAGE

The current image of the Hualapai justice system is that it lacks resources and does not meet the needs of the community. Developing the HDOJ will help alleviate this image, but it will also take active work in the community. The Committee and other actors within the justice system should begin thinking about how to improve their image. Although some may feel this is not part of their job, the bottom line is if the justice system is viewed as ineffective, there will be no support from the community. Improving support will help each agency function and together the justice system and community can tackle the problems facing the Tribe.

WAYS TO IMPROVE JUSTICE SYSTEM IMAGE



- ◆ **Use Local Media to Focus on Success of Justice System**
- ◆ **Use Local Media to Educate Community**
- ◆ **Create Opportunities to Focus on Justice System**
- ◆ **Justice System Employees Get Involved in the Community**
 - **Basketball or Softball Tournaments**
 - **Court or Police Giveaway Toys to Youth**
- ◆ **Education Seminars by Court and HDOJ**
- ◆ **Create HDOJ**

Potential options for improving image are the publicity discussed above, along with other options. The local media can focus on the successes of the justice system, such as the Wellness Court. Also, the local media can also be used to educate the community about different roles within the justice system. Other possibilities include publicizing the adoption of the HDOJ statute, hiring of CSOs, or a justice career day at the high school. Occasions such as these allow the community to participate and become part of the criminal justice system. It also creates a positive image for the community, as opposed to the many negative images that have been present within the community.

Other image building opportunities are as simple as having the actors within the justice system play a prominent role in the

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community. Events such as justice system softball or basketball tournaments with the youth will increase the community's participation and support of the justice system. Also, to help the youth learn about the justice system, the Court or police could offer free Pokemon posters or cards for contacting a police officer or visiting the Court. Education seminars taught by members of the Court, Law and Order Committee, and others will also improve the justice system's image as the community begins to understand how the system works. It will also begin to lay the framework for the justice system that works with the community in identifying community problems and possible solutions. But most importantly, the creation of a HDOJ will improve the image of the justice system as the justice system becomes more effective and serves the needs of the Hualapai people.



Phase One Implementation

- **Begin Monthly Meetings**
 - **Coordinate/Communicate/Cooperate**
 - **Outline HDOJ Structure**
 - **Plan Training**
- **Draft HDOJ Statute**
- **Develop Funding Base**
- **Designate Liaisons**
- **Select Community Service Officers**
- **Improve Image**

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Phase Two

Building a Hualapai Department of Justice

Implementation of the Organization Plan ~Phase Two~

PHASE TWO IMPLEMENTATION

1. TRIBAL COUNCIL PASSES HDOJ STATUTE

In the second phase, the Hualapai Tribal Council should be in a position to pass a statute (see Phase One: Drafting of HDOJ Statute) legally creating the Department of Justice and marking the transitioning from the concept/planning phase to a legally recognized institution. The passage of the HDOJ statute enables Law and Order Committee to begin its search for candidates who will fill the office of the Attorney General. The passage of HDOJ statute also lays the groundwork for additional staffing, funding, and operational doctrine that will guide the Hualapai Department of Justice in the future.

2. ACTIVELY SEEK ATTORNEY GENERAL

The selection of the first Hualapai Attorney General is one that should be made with the utmost care, as this key hire is likely to set precedent for Attorney Generals to follow. The Attorney General is the face of the Hualapai DOJ, and while the success of the Department will depend on a team effort, it is likely to be the Attorney General who will be closely scrutinized by the community. The first Attorney General may be the most important one, because he or she will set the path for the future of the HDOJ. Once the Council has determined the appropriate qualifications for the Attorney General (see Phase One: Position of AG) they must begin the task of recruiting a suitable candidate. The Law and Order Committee may be instrumental in aiding the Tribal Council in screening candidates. Because the Committee is quite knowledgeable about current inefficiencies within the current justice system they have an important role to play in determining whether an Attorney General candidate is well suited to the task of remedying the situation. A key decision facing the Hualapai people will be whether to

hire an Attorney General as quickly as possible or wait until the right candidate with the appropriate qualifications and leadership skills is found.

PHASE TWO IMPLEMENTATION

- ◆ **Tribal Council Passes HDOJ Statute**
- ◆ **Actively Seek AG**
- ◆ **Solidify MOU with BIA Police**
- ◆ **Continue Monthly Meetings**
- ◆ **Begin Restructuring Departments to Form HDOJ**
- ◆ **Build HDOJ Support from Within (Government & Community)**
- ◆ **Continue Budget Process**
- ◆ **Train HDOJ Staff**

3. SOLIDIFY MOU WITH BUREAU OF INDIAN AFFAIRS POLICE

A Phase Two solution to the problem of lack of communication and coordination between the BIA Police and the Hualapai Tribe is the re-visitation of the current Memorandum of Understanding involving law enforcement service on the reservation. Tribal officials should seek a meeting with the BIA to re-evaluate public safety priorities and formalize a process by which these services can be monitored for efficacy. This may mean the creation of a new Memorandum of Understanding to serve in the interim as the Tribe examines the feasibility of contracting its law enforcement activity from the BIA. The new MOU must explicitly highlight the Hualapai priorities such as increased attention to community policing and better support for prosecution (i.e. court appearances), as well as more responsive to the Hualapai Court (i.e. serving process warrants).

The Hualapai may begin to enter strategy sessions with the BIA LES in Albuquerque to determine what is most feasible combined with what is most important to the Hualapai community. These strategy sessions may better serve the Nation by determining early what can and cannot be accomplished with the present law enforcement model. The new or revitalized MOU might best be marked by ceremony, perhaps a signing ceremony involving the head of BIA law enforcement and the Hualapai Tribal Chair.

**A New MOU with BIA
Law Enforcement will
focus on increased
attention to the community
and better support for the
Prosecutor and the Court.**

4. CONTINUE MONTHLY MEETINGS

The Law and Order Committee should continue monthly meetings with all HDOJ stakeholders initiated in Phase One (see Phase One: Monthly Meetings). They may want to break into working groups each assigned with an objective that addresses a HDOJ priority. For example, a working group might be formed to develop a solution for a specific problem identified within the justice system, such as juvenile violence or alcohol use. All involved parties should continue to meet monthly but the working groups may meet more frequently in order to present their findings to the monthly group.

Also, the Attorney General will most likely want to hold meetings restricted to HDOJ staff, but also continue meetings with the Court. There are some issues that will affect the HDOJ that will not involve the Court such as employee standards, how to prosecute cases, dealing with judges and some training issues. However, the monthly meetings with all the actors within the justice system should continue to maintain continuous relations.

5. BEGIN RESTRUCTURING DEPARTMENTS (NEW AND EXISTING) TO FORM HDOJ

At this stage in the process the Law and Order Committee or AG should begin to form the HDOJ as dictated by statute. The existing office of the Tribal Prosecutor should be brought under the supervision of the new Attorney General. The newly created Office of Policy and Coordination will also be placed under the supervision of the AG. This will require new reporting requirements, and may be facilitated by meetings held by the Law and Order Committee, AG, and each Department.

The Law and Order Committee or AG may also want to designate individuals for the positions of 'acting' deputy Attorney General who will run the Office of Prosecution and the Office of Policy and Coordination. The deputy attorney general role is largely administrative, but candidates must have a sound understanding of the HDOJ function as defined at Hualapai. Ideal candidates will possess strong leadership and communication skills, as they will manage the daily function of the HDOJ as department heads. The Hualapai Nation must determine whether they wish to recruit candidates who have experience in criminal justice issues and management or whether they will concentrate their resources on training qualified managers to become criminal justice managers. Budget restrictions and recruitment resources may limit the scope of the search

FORMING THE HDOJ

- ◆ **Move Prosecutor under AG supervision**
- ◆ **Move Probation under AG supervision**
- ◆ **Move Office of Policy and Coordination under Supervision of Attorney General**
- ◆ **Designate 'Acting' Deputy Attorney Generals for Each Office**

6. BUILD HDOJ SUPPORT FROM WITHIN (GOVERNMENT & COMMUNITY)

It must be emphasized that the success of the HDOJ depends on tribal support, both from tribal leaders and community members alike. Building support within government might take the form of a briefing delivered by the new Attorney General to each of the tribal government departments about the function and objectives of the newly created HDOJ. Community members might benefit from posted letter signed by the new AG regarding the role of the HDOJ. The Tribal Council and Law and Order Committee at a large community gathering can introduce the new

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Attorney General to tribal members by a swearing in ceremony. This will serve to instill a feeling of pride and respect among community members and government employees for the new Attorney General. It will be crucial to the success of the HDOJ to establish the importance of the new AG early on. Perhaps the AG might wish to begin a communication the residents of the reservation stating the mission of the new HDOJ. This communication may take several forms: written memoranda, letters to the community, public notices, public forums, or preferably a combination of such events. It is important that the community is kept apprised of the new service arriving at Hualapai.

7. CONTINUE HDOJ BUDGET PROCESS

The Law and Order Committee and Tribal Planner should continue to determine the funding need for the HDOJ as guided by statute. Funding must be given priority status, as the HDOJ becomes a formal entity of the Hualapai tribal government structure. All HDOJ employees (including liaisons) should be including in fiscal planning to determine what funding is necessary. The Tribe will likely utilize the general tribal fund and supplement specific programs and initiatives with grant money. As Grand Canyon West revenues increase over the coming years the Hualapai may wish to initiate a tourist tax along the access road that is dedicated to HDOJ revenues. Speeding tickets issued along the new access road may also provide a steady a source of HDOJ funding

8. HDOJ STAFF TRAINING

The AG and Law and Order Committee should continue formal training for all newly hired staff members as the HDOJ begins to take form. Continuing cross training for

Department of Justice employees is crucial as the department grows. Employees should gain an learn about individual HDOJ operating unit (i.e. Office of Policy and Coordination) functions and develop and understanding of their own role as it relates to the HDOJ mission. The AG and Law and Order Committee should develop job descriptions and performance measures for employees to sign prior to hiring, which could be included in their training.

CRIMINAL JUSTICE EDUCATION AT FOND DU LAC

The Fond du Lac Band of Chippewa entered into an agreement with the Community College and University of Minnesota-Duluth to benefit Fond du Lac students studying criminal justice. The agreement allows students who have completed their two year degree in law enforcement, corrections, and criminal justice at the Community College to continue at the University to earn a four year degree and prepare for the Professional Peace Officer's Examination.¹

¹ Fond du Lac Band of Chippewa, Minnesota, News from the Nation, Indian Country Today, January 5, 2000, A6.

Phase Two Implementation



- **Tribal Council Passes HDOJ Statute**
- **Actively Seek Attorney General**
- **Solidify MOU with BIA Police**
- **Continue Monthly Meetings**
- **Begin Restructuring Departments**
- **Build HDOJ Support from Within**
- **Continue Budget Process**
- **HDOJ Staff Training**

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Phase Three

Building a Hualapai Department of Justice

Implementation of the Organization Plan ~Phase Three~

PHASE THREE IMPLEMENTATION

1. FLEXIBLE HDOJ STRUCTURE

Sound statutory guidance should provide room for change at the Hualapai Department of Justice. As the HDOJ matures and becomes institutionalized at Hualapai, tribal planners and HDOJ employees are likely to develop insights about effective policies and procedures that will stray from the original concept. The Law and Order Committee and AG should foster such growth, while at the same time remaining mindful to the needs of the community. The Attorney General, the staff, and the wider community should work toward shaping the justice ideal at HDOJ leaders must be given room to experiment with managerial styles and organizational formats in order to maximize productivity without diminishing morale. The statute must have been drafted in a manner that will allow for growth and expansion of the HDOJ. Also, the AG must have the authority to develop guidelines, bylaws, standards of conduct, and hire and terminate employees with little interference from the Council. Although guidelines and standards of conduct may need the final approval of the Tribal Council, the AG and Law and Order Committee should be allowed the room to develop them as needed.

2. A HUALAPAI HALL OF JUSTICE

Eventually, the HDOJ should occupy its own building. In order to facilitate the goals of increased communication and coordination in the most physical sense daily employee interaction becomes crucial. Just as the Attorney General represents the face of justice at Hualapai, the building must represent the home of justice. A physical structure may help to convey the idea of permanence to the community. Community members must be able to interact with the HDOJ and a recognizable structure will facilitate this interaction. In addition a

Hualapai Hall of Justice provides intangible benefits to HDOJ employees such as instilling a sense of place and pride. (See Appendix - Funding Sources)

PHASE THREE IMPLEMENTATION

- ◆ **Flexible HDOJ Structure
(an evolutionary process)**
- ◆ **A Hualapai Hall of Justice**
- ◆ **638 All Departments**
- ◆ **A Self-Sustaining HDOJ**
- ◆ **Appoint Deputy Attorney
Generals**
- ◆ **Continued Training and
Education**

3. 638 ALL DEPARTMENTS

In pursuit of the Hualapai vision of attaining self-governance the Tribe will want to consider pursuing the 638 option for all remaining HDOJ departments, namely police and corrections. This will give the Tribe full control over the justice system process (See Appendix: Criminal Justice Process). A hybrid of BIA and Hualapai administered justice services may work, but is likely to encounter the same communication and coordination problems that currently plague the Tribe. As the Tribe continues to develop its own policies and write its own law it will need an enforcement arm guaranteed to be

responsive to Hualapai needs. In the decision to 638, fiscal health and the ability to recruit and retain capable management and staff will become prevalent issues. In the interim, the Tribe may want to focus on developing the necessary personnel through training at the police academy, management classes or seminars, community policing, and problem-solving techniques. Thus, when the Tribe 638's these services they will have the personnel necessary to provide the services to the Hualapai people.

The Tribe may also want to seek cross deputization agreements with local Arizona law enforcement agencies to ensure intergovernmental cooperation in all justice affairs. As discussed in the Action Plan, there are pros and cons with cross deputization. Issues the Tribe may want to consider are; is the agreement necessary to facilitate respect and cooperation with surrounding agencies? Is it really necessary since the Tribe has a local jail? Will the tourism industry bring in an influx of tourists, who do not come under the jurisdiction of the criminal codes? As a result, will the Tribe need outside law enforcement to ensure safety for the Tribe?

4. A SELF SUSTAINING HDOJ

At this stage the Tribe should be in position to devise a revenue stream that is commensurate with HDOJ operations. The HDOJ must be self-sustaining and independent of outside grants. While outside grants may still be a key source of funding for new justice initiatives all core programs at HDOJ should be funded from within the Tribe because grant sources are indefinite. By the third phase, the tourism industry may be functioning at a capacity that will allow for taxes and other revenues. Potentially a portion of this revenue stream could be delegated to law enforcement and the justice system.

5. APPOINT DEPUTY ATTORNEY GENERALS

During Phase Three the Deputy Attorney Generals should be in selected (See: Begin Restructuring Departments to Form HDOJ for qualification considerations). The deputy Attorney Generals, as HDOJ department heads, are responsible for the day-to-day operation of the justice arm of the Hualapai Nation. These individuals must be effective managers, as they will be charged with developing all departmental initiatives and the coordination of both programs and services. Most importantly they will manage line staff, those members of the HDOJ who will be interacting with the Hualapai community. The HDOJ deputy Attorney Generals should be selected carefully. The hiring process might entail the Attorney General selecting the most qualified candidate. Depending on the current practices, the Council may want to reserve final hiring authority. But to facilitate an independent HDOJ, separate from politics, the Council may want to give the AG full hiring authority.

6. CONTINUED EDUCATION AND TRAINING

Internal HDOJ Training:

Continued education and training is very important for the long-term success of the HDOJ. Internally employees must undergo continued training to ensure that the department improves its function and maintains a high level of morale.

Training and Education for the Community:

The Hualapai community should always be viewed as the interactive arm of the HDOJ. The intent of the HDOJ is to serve the justice needs of the Hualapai community. Without constant interaction with the community the HDOJ will lose sight of its original mission, and worse it may lose the support of those it seeks to protect. Community education and outreach will provide a sound forum for HDOJ-community interaction. Keeping the community apprised of HDOJ initiatives, programs and successes (as well as a prompt and honest acknowledgement of mistakes) will go along way to ensuring public trust and support.

**TRAINING NEW ATTORNEYS
AT GILA RIVER**

At Gila River Pima-Maricopa Indian Community they have entered into an agreement with Streich Lang, a law firm with offices in Phoenix. Second year Native American law students will split their time during the summer and spend half the summer in the law firm and the second half working in the Gila River's general counsel's office. Streich Lang pays the students' salaries for the entire summer.¹

Phase Three Implementation

- **Create Flexible HDOJ Structure**
- **A Hualapai Hall of Justice**
- **638 All Departments**
- **A Self-Sustaining HDOJ**
- **Select Deputy Attorney Generals**
- **Continue Training and Education**

¹ Gila River Pima-Maricopa Indian Community, Arizona, News from the Nations, Indian Country Today, February 23, 2000, B3.

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Building a Hualapai Department of Justice

Learning from Other Department of Justice Models

LEARNING FROM OTHER DEPARTMENT OF JUSTICE MODELS

While the building the Hualapai Department of Justice, it may be useful to look at what other nations are doing with their justice systems. The Attorney General and/or Law and Order Committee may want to consider visiting different tribes to learn first hand about their justice systems. Two examples are given of Native American justice systems, and also an international example. The international example illustrates that all nations struggle with justice system reform and building strong institutions of governance.

CONFEDERATED SALISH AND KOOTENAI TRIBES

Background

The Confederated Salish and Kootenai Tribes reside on the Flathead Indian Reservation in western Montana. There are approximately 6,800 enrolled tribal members and about 3,700 live on or near the Reservation. The Confederated Salish and Kootenai possess a well functioning legal system, consisting of civil and criminal departments. However, the justice system resources are not organized into a department, such as a Department of Justice or Office of Justice.

The Justice System

Within the justice system, there are three legal departments; the Prosecutor's Office, the Defenders Project, and the Legal Department. All three offices answer directly to the Tribal Council. These separate offices provide a system of checks and balances as they often oppose each other in Court and on various legal issues.

The Defenders Project consists of a public defenders service, which provides criminal defense attorneys to indigent tribal members and legal aid service, which provides legal services for tribal members in civil areas

of the law, such as housing, debt collection defense, and child protection.

The Tribal Court has existed at Flathead for many years and is not an Indian Court of Offenses. The judges specialize to a certain extent, as one judge handles all juvenile cases. A criminal calendar may have up to 900 open cases at a time. The Court also has an Appellate Court, which uses the services of outside attorneys to act as Appellate Judges, along with one or two tribal members who do not possess a law degree.

The Tribal Police contract many of their services from the BIA. Also, the Fish and Game Department, which has six to eight officers, handles many environmental matters.

The Confederated Salish and Kootenai justice system is a good model of many resources that function reasonable well without an overarching department coordinating their actions. The Tribes were considering a Department of Justice structure, however have not done so at this time.¹ More than likely, the justice system deals with many of the difficult coordination and communication problems the Hualapai face. However, they are a good example of focusing on improving each resource without implementing a coordinating department.

¹ Interview Jolui Carter, Legal Department, Confederated Salish and Kootenai Tribes.

TOHONO O'ODHAM

Background

The Tohono O'odham reside on a reservation of 2.9 million acres in Arizona. With a tribal enrollment of 17,500, approximately 14,000 reside on the Reservation. The government consists of a popularly elected chief executive and legislative council. The Reservation is divided into eleven districts, and each district sends two representatives to the Tribal Council. Each district also elects a chairperson, which is analogous to the municipal function of mayor.²

The Justice System

At Tohono O'odham Nation the offices of the Department of Public Safety manage all tribal enforcement activities. This includes the police, fire and emergency medical services as well such entities as the Tribal Employment Rights Office.

Tribal prosecution is divided between two departments: the Office of the Attorney General and the Office of the Prosecutor. The Office of the Attorney General handles civil prosecution and the Office of the Prosecutor carries out criminal prosecution. The relationship between the police and prosecutor has been characterized as being very strong. Culturally, communication is seen to be a fundamental value at Tohono O'odham and this is demonstrated by the working relationship between the police, prosecution and tribal court.

Legislative Oversight

The domestic affairs committee within the legislative branch of the Tohono

O'odham Tribal government handles legislative oversight of the Department of Public Safety. This committee determines ordinances, laws, and funding levels for the department.

COMMUNITY POLICING AT TOHONO O'ODHAM NATION: RANGER PROGRAM

At Tohono O'odham the rangers act as a subsidiary of the Police Department and both are housed at the same facility. Though uniformed, the rangers are not sworn police officers and do not have arrest authority. The ranger program is organized by district and is overseen by a Tohono O'odham police lieutenant. The primary function of the ranger program is to provide security in the districts. According to the Tohono O'odham Director of Public Safety a primary function of the rangers is to be the "eyes and ears" of the police department.³ While on patrol in the districts, the rangers assist police as first responders and have undergone formal training in search and rescue operations.

² Policing on American Indian Reservations: A Report to the National Institute of Justice. Wakeling, Jorgensen et Alia. Malcolm Wiener Center for Social Policy, John F. Kennedy School of Government, Harvard University. January 2000. 46.

³ Telephone Interview with Richard Clifton, Director of Public Safety, Tohono O'odham Nation. 2 March 00

EASTERN EUROPE

Eastern Europe provides an interesting model of justice system reform. Many Eastern European countries are currently in the process of transition from communist regimes to democracies. For decades laws these countries were based upon communist ideas and often implemented to serve communism.⁴ These nations are now moving towards replacing these laws with laws that protect citizens rather than control them.⁵ This change is similar to the change many Native American tribes are undergoing. As tribes strive to remove the shackles of the BIA, one aspect of this challenge is to create laws and institutions that protect their people.

Eastern European countries face many of the same difficulties that tribes face in building strong self-governing nations. Entrenched interest groups opposed to change have stood in their way and proponents of change often lack the experience and human and financial resources to affect change.⁶ This brings to mind the image of the many that work hard to oppose tribes from exercising their sovereignty and the tribal governments striving for change but are plagued by limited finances, struggling economies, and limited human capital.

Moreover, Eastern European countries struggle to build strong, independent courts that set a high standard for wisdom and disinterested integrity.⁷ But these countries also struggle with the quality and the selection of judges.⁸ Many of the current judges do not have the training or background for separate and independent courts based on the rule of law.⁹ One researcher noted, "The habits of seventy years [of communism], centuries even,

die hard, especially when "more important" matters grip the attention."¹⁰ This struggle to build competent judges, attorneys, and justice systems, is very similar to struggle of the Hualapai Nation. Building a strong justice system based on the rule of law that cannot be influenced by politics is not only a challenge for tribes; it is a challenge across the globe. As such, the case of Bulgaria provides an interesting example of marshaling current resources and using innovation to build a justice system based on the rule of law.

⁴ J.F. Brown, Introduction, *Toward the Rule of Law*, FRE/RL Research Report, Vol. 1, Number 27, 3 July 1992, p.1.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at p. 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at p. 3.

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SIMILARITIES IN JUSTICE SYSTEM REFORM	
Hualapai	Bulgaria
<ul style="list-style-type: none"> ◆ BLA controlled/US Law → Hualapai Law ◆ Fights against opponents to self-governance ◆ Proponents for change possess limited resources ◆ Possess Separate and Independent Judiciary <ul style="list-style-type: none"> ◆ Difficulty finding qualified, Hualapai Judges ◆ Removing tribal politics 	<ul style="list-style-type: none"> ◆ Communism → Democracy ◆ Fights against opponents to democracy ◆ Proponents for change possess limited resources ◆ Building Separate and Independent Judiciary <ul style="list-style-type: none"> ◆ Difficulty finding qualified judges ◆ Removing communism and politics

Bulgaria
Background

Bulgaria possessed democratic legal institutions until the 1930s when an authoritarian government and communism rose. Prior to communism, Bulgaria's legal system possessed great prestige, but the subordination of the judiciary to the executive caused a severe loss of confidence in the legal system.¹¹ As a result, the image of the legal system is tarnished and has not improved with weak performances in the investigations of illegal activities of former leaders.¹²

**CURRENT PROBLEMS
 WITH BULGARIA'S
 JUSTICE SYSTEM¹³**

- ◆ Understaffed judiciary
- ◆ Low morale
- ◆ Insufficient salaries to attract well-qualified individuals
- ◆ Current generation of judges and attorneys trained in old communist ideology and decision-making
- ◆ Slow to change
- ◆ Little discussion or debate about improvements
- ◆ Politics involved in judiciary
- ◆ Failure to provide legal institutions with firm leadership
- ◆ Court not truly separate and independent
- ◆ Need for training of new jurists of decision-making based on rule of law

¹¹ Kjell Engelbrekt, "Bulgaria," Toward the Rule of Law, FRE/RL Research Report, Vol. 1, Number 27, 3 July 1992, p. 4.

¹² *Id.*

¹³ *Id.*

Reforms

Individuals Promote Change

A new Prosecutor-General and Minister of Justice will play a key role in promoting the rule of law.¹⁴ The Minister of Justice, similar to an Attorney General, is charged with reshaping the justice system.¹⁵ One of his first actions was to set up a formal procedure to draft legislation,¹⁶ similar to the function of an Office of Code and policy development.

Structural Change

Bulgaria is also contemplating a new institutional structure for the judiciary.¹⁷ The goal of the new structure is to unify all judicial institutions and activities into one broad organization,¹⁸ much like the HDOJ. The courts of justice, administration, prosecution, and investigating services are to be brought under one single administration.¹⁹ Previously all of these entities worked as separate institutions. The second goal is for the judiciary to gain independence from the government and party politics.²⁰ Not only are they working towards a policy of separate and independent, but this is backed by legislation also.²¹ The third goal is to eventually dismantle all remnants of the old judiciary.²²

A Constitutional Court was created and it has the authority to rescind unconstitutional legislation.²³ However, the development of the Court was hasty and some fear the haste will give rise to future problems.²⁴ This resonates with a comment made by a Hualapai tribal member concerning the

amendments of the Hualapai Constitution. The tribal member felt the Court should be separate and independent, but it was done without a vision for the future and the mechanisms to ensure its success.²⁵

Another reform is the development of the Supreme Judicial Council. The Council is an independent body of professional jurists that supervise the operations of the judiciary.²⁶ The Council makes decisions on appointment, promotion, transfer, and replacement of judges, prosecutors, and investigators.²⁷ It also makes nominations for chairmanship of the Supreme Administrative Court and Prosecutor-general.²⁸ The Council began acting in and 1992 quickly promoted change; reorganization of judicial authorities, appointment of new personnel to senior positions, removal of forty-three judges, investigators, and prosecutors on incompetence grounds.²⁹ The Council placed younger and politically neutral replacements into these new positions.³⁰

New Problems

Change does not come without problems, as the Hualapai Nation is well aware. The new reforms in Bulgaria created new or the possibility of new problems.

Increasing Caseload

The caseload is increasing due to the economic reforms.³¹ Legislation that has restored individual property has resulted in numerous lawsuits.³² Also, new amount of legislation is being passed and no doubt will create conflicts that must be resolved in the

¹⁴ *Id.* at p. 5.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.* at p. 6

²⁵ Interview with Hualapai tribal member.

²⁶ Engelbrekt, *supra* note 11, at p. 6.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at p. 7

³² *Id.*

courts.³³ Also, crime is on the rise, which has increased the criminal courts docket.³⁴

Police Are Not Prepared for Change

In addition to crowded dockets, the criminal investigators are not equipped to handle the increase in crime.³⁵ Retaining qualified investigators has been a difficult task in addition to the organizational problems of the legal system, its fundamental goals, and low staff morale.³⁶ Moreover, the police in the past were viewed with fear due to their link with the secret police, and it has been difficult to break this link.³⁷

Lack of Qualified Lawyers

Another problem is the dire need to recruit and train lawyers. Many lawyers are attracted to other positions of more prestige or have moved to other countries.³⁸

Lack of Buildings

The justice system also suffers from a lack of suitable premises.³⁹ Many of the previous justice buildings were used as museums during the communist regime.⁴⁰ Although the prison system has been transferred to the Ministry of Justice, the living conditions are extremely poor and there are still reports of individuals imprisoned without a trial.⁴¹

Other DOJ Models

- **Confederated Salish and Kootenai**
 - **No Organized DOJ**
 - **Focuses on Each Agency**
- **Tohono O'Odham**
 - **Department of Public Safety**
 - **Offices of AG and Prosecutor**
- **Bulgaria**
 - **Implementing Democratic Reform**

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at p. 8.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

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Building a Hualapai Department of Justice

Conclusion A Stronger Hualapai Nation

CONCLUSION A STRONGER HUALAPAI NATION

Building a Hualapai Department of Justice is an important step in strengthening the Hualapai Tribe. Similar to the title page, a HDOJ will encircle the Nation, just as the title encircles the Hualapai seal, and make the Nation safer and stronger. A strong justice system protects the Nation against crime and disorder, assists the Tribe in combating social problems, and promotes self-governance. Improving the Hualapai justice system is an important step in the nation-building process.

Developing a Hualapai Department of Justice is not an easy task, nor will it be accomplished overnight. It requires much deliberation, dedication and endurance. But the Hualapai have already proven their ability to coordinate justice system resources to tackle problems within the Reservation, with the success of the Wellness Court. There are many dedicated individuals within the Tribe who are willing to put forth their time, energy and talents to help the Tribe achieve this goal. Many times tribes look outward for the necessary resources to build better nations. But the Hualapai have many of the resources they need to improve their justice system. They have the experience, knowledge about Hualapai, and the commitment towards making Hualapai a stronger and better nation. These valuable assets are essential to helping the Tribe improve the justice system and move closer to the Hualapai vision.

But for the Hualapai Department of Justice to be successful it must be created so it meets the needs, goals and vision of the Hualapai Tribe. A Department of Justice is more than an organization that arrests and prosecutes individuals. This is merely one dimension. With a focused mission of Jiway Gwavo, the Hualapai Department of Justice can use Hualapai values to tackle social problems, reinforce cultural values, and promote self-governance. And as the Hualapai Department of Justice strengthens the justice system, it helps move the Tribe towards their vision of a healthy community, where peace and order is maintained, they are

economically independent, have a sustainable environment, and a self-governing nation.

As the justice system is strengthened, the Tribe is strengthened also. The Hualapai Department of Justice strengthens the Tribe's sovereignty by assisting the Tribe exercise its sovereignty over the justice system, in lieu of relying on the state or federal government. The Tribe's sovereignty will only become stronger by building the institutions that allow the Tribe to exercise its sovereignty at its fullest capacity. The Hualapai Department of Justice will also help the Tribe in its efforts to foster economic development and make the Reservation a safer place to live. But perhaps more importantly, it is an opportunity for the Tribe to ensure the justice administered on the Reservation is *Hualapai* justice.

The implementation phases are designed to assist the Tribe in reaching their goal of improving the justice system to better serve the Hualapai Tribe. Using existing resources, and creating new ones when necessary, the phases build upon one another and construct a Hualapai Department of Justice. As each phase is implemented, the Tribe moves closer to its vision and the protection the justice system provides grows stronger. Through philosophy of Jiway Gwavo, the Hualapai Department of Justice will bring the resources and agencies together and unite them, focusing on eradicating the social problems that plague the Hualapai Tribe. The Hualapai Department of Justice will become the war room where problems are identified, solutions are developed and implemented, and Hualapai will not only be a better place to live, but a stronger Nation in the 21st century.

Jiway Gwavo The War Room



Building a Hualapai Department of Justice

Appendices

SNAPSHOT: COMMUNITY POLICING

“Community policing as a crime prevention tool relies upon open and active communication between a neighborhood’s residents and the police assigned to patrol that same area. Community policing can take one of several forms: a neighborhood watch group, an increased number of foot patrol officers assigned to a specific area, the establishment of a police hotline, and the use of sub-precincts within a community. The idea of community policing is to increase dialogue between a community and its’ police in order to establish trust and foster citizen input and assistance in crime prevention. The removal of the motorized patrol from the community policing equation allows for heightened communication between the two groups. Foot patrols officers and residents are able to gain much needed personal contact with one another. In neighborhoods affected by high drug crime rates direct input from the citizens is crucial to effective detection and prevention. Often citizens have firm first-hand knowledge of criminal activity in their area. Increased trust between citizens and the police may result in an increased willingness to provide detailed information on neighborhood crime activity.”¹

¹ Mark Jones, Drug Enforcement Memo, Crime & Criminal Justice 575. Kennedy School of Government, Harvard University, April 7, 1999.

CRIME PREVENTION THROUGH PROBLEM-SOLVING /PROBLEM-ORIENTED POLICING²

“Problem-oriented policing involves the development of neighborhood-specific solutions to crime problems, as opposed to a heavy reliance on the patrol model (reactive policing) as standard operating procedure. This strategy employs a concentrated dose of strategic thinking about underlying factors contributing to a specific neighborhood dilemma and their relationship to the problem itself. Tailored solutions tend to have a greater effect in problem solving and tend to remain effective for longer periods of time. An example of problem oriented policing might be police influenced expedience in the demolition of an abandoned building that serves as a crack house. Problem-oriented policing is effective in operating in several different realms in contrast to more traditional forms of policing that rely solely upon the criminal justice system for effecting change.”³

² Drug Enforcement Memo” (for Crime & Criminal Justice 575). Mark Jones. April 7, 1999. John F. Kennedy School of Government.

³ *Id.*

SNAPSHOT BOSTON: JUNIOR POLICE ACADEMY¹

“The central idea of the Junior Police Academy program is to put at-risk kids from all over the city together with police officers in a summer day-camp setting. The kids learn about what police do, have a structured format to explore a variety of enrichment activities and get to know the officers in a fun setting. This good idea also attracted corporate sponsors such as Sheraton Boston Hotel, Dunkin Donuts, Boston DuckTours, and several participating law enforcement, public safety and parks agencies.

Each Week a new group of 9-12 year old ‘recruits’ entered the program. They received instruction on daily themes such as friendship, respect and trust, from police officers, and counselors. Participants learned about various police department roles in the community and took field trips to sites such as the U.S.S. Constitution, Boston Police Department Special Operations Unit, the Suffolk County Jail, and a Special Duck Tours Outing. The program was such a success in its inaugural season that not all of the interested participants could be accommodated.”²

¹ Boston Police Department-Department Initiatives. http://www.ci.boston.ma.us/police/jr_police.asp

² *Id.*

SNAPSHOT: CADET PROGRAM CITY OF EL SEGUNDO (CA) POLICE DEPARTMENT³

“ Police cadets serve as non-sworn police auxiliary personnel working twenty hours per week. Under immediate supervision, performs various clerical and beginning level technical support police work. Work may be performed primarily in a field setting under a full range of environmental conditions and in a traditional office setting. Cadets may work with and/or in close proximity with chemicals, blood products, and various controlled substances. Irregular work assignments include but are not limited to the following:

1. Clerical tasks in support of police records bureau
2. Process outgoing and incoming mail for the department
3. Interact with the public on telephone and prepare reports
4. Issues licenses and performs matron duties as needed
5. Assists in maintenance of police facilities and vehicles
6. Assists with inventory tasks
7. Assists with educational and public awareness programs
8. Fingerprinting of applicants and citizens for identification purposes as necessary
9. Directs traffic and provides assistance at congested traffic scenes or traffic hazards as assigned
10. Issues citations to vehicles in violation of city parking restrictions⁴

³ City of El Segundo Police Department Online Recruitment. <http://www.elsegundo.org/police/cadet.html>

⁴ *Id.*

SNAPSHOT: CADET PROGRAM

SAN DIEGO POLICE DEPARTMENT JUVENILE SERVICES-POLICE CADET PROGRAM⁵

Police Cadets:

- Attend a basic training academy at the police headquarters building
- Meet others your age with similar interests
- Work community events providing security and traffic control
- Receive continuous law enforcement training

Qualifications:

You must be 16 to 20 years old.

You must be a high school graduate or if still in school have a 2.0 GPA.

You must have successfully completed the exam and interview.

Cadet Training:

- CPR/First Aid
- Self Defense
- Traffic Control
- Narcotics
- Report Writing
- Criminal Law
- Ethics

Police Cadets worked over 300 community events last year. In addition, they participated in 500 ride-a-longs, assisting regular officers with traffic directions, first aid, and report writing.

⁵ San Diego Police Department Homepage: Cadet Program.
http://www.sandiegoinsider.com/community/groups/.../Police_Cadet_Program.htm

Hualapai Department of Justice

Sec 1.1 Department of Justice – Purpose

The Department of Justice is delegated the authority to enforce all laws within the jurisdiction of the Hualapai Tribe. It is to coordinate all justice system resources and work with the Hualapai Tribal Court to effectively enforce justice.

Sec. 1.2 Hualapai Department of Justice Structure

Offices within the Department of Justice are directly responsible to the Attorney General. The Attorney General reports directly to the Law and Order Committee to promote independence and the administration of justice. The Law and Order Committee reports directly to the Hualapai Tribal Chairman.

Sec. 1.3 The Law and Order Committee

The Law and Order Committee is designated as the advisory board for the Hualapai Department of Justice. They may advise the Attorney General about problems within the justice system, community, and potential solutions. They shall assist the Hualapai Department of Justice with educating and advising the community about the justice system. They shall recommend to the Council any qualified candidates for the position of the Attorney General and Public Defender.

Sec. 1.4 Attorney General

- (a) **Qualifications** - The Attorney General shall possess a law degree and five years of prior experience. Knowledge about federal Indian law, Arizona law, and Hualapai law is desirable.
- (b) **Duties** – The Attorney General is charged with the administration of the Department of Justice and coordinating all resources to dispense justice and enforce the laws of the Hualapai Tribe. The Attorney General is the Chief Prosecutorial Officer and responsible for prosecution of all offenses against the Hualapai Tribe. The Attorney General will also advise and represent the Tribe in legal matters. The Attorney General has the authority to develop guidelines to effectuate the administration of the Department of Justice. The Attorney General is also charged with assisting the Hualapai Tribe in developing laws of the Hualapai Tribe. The Tribal Council, through the Law and Order Committee, may delegate other duties to the Attorney General, in so far as they do not conflict with the Attorney General's existing duties.

Sec. 1.4 Offices within the Department of Justice

Within the Department of Justice, sections or departments may be organized to develop an efficient organization. All departments will report to the Attorney General, with the exception of the Tribal Public Defender.

Sec. 1.5 Tribal Public Defender

The Tribal Public Defender is to represent all tribal members charged with criminal offenses in Tribal Court. The Office of Tribal Public Defender shall report to the Law and Order Committee to prevent conflicts of interest with the Attorney General. The Law and Order Committee shall nominate to the Tribal Council an individual to fill the Tribal Public Defender position.

Appendix - Potential Budget

Hualapai DOJ Budget - Prior to 638ing all Departments

Position	Yearly Amt.	Funding Source
Law and Order Assistant	\$20,000	Safe Communities Grant
Attorney General	\$45,000*	Tribal General Fund
Administrative Assistant	\$25,000	Tribal General Fund or ANA Grant
Tribal Public Defender	\$30,000	Tribal General Fund
Juvenile Public Defender	\$30,000	Tribal General Fund/Grant
Dep. A.G. - Code Dev.	\$30,000	
Dep. A.G. - Prosecution**	\$30,000	(A prosecutor is already funded)
Juvenile Prosecutor***	\$25,000	
Victim-Witness Advocate	\$20,000	National CASA Grant
Dep. A.G. - Law Enforcement	\$30,000	Combination of TGF and Grants
CSOs	\$25,000	Safe Communities Grant/COPS/Highway Safety
Dep. A.G. - Corrections	\$30,000	
Adult Probation Officer	\$30,000	(Already funded)
Juvenile Probation Officer	\$30,000	(Already funded)
Total	\$355,000	

*This amt. will also depend on experience, a lesser experienced attorney or a non-attorney may start at a lower level.

**The Tribe may want to combine the Adult Prosecutor and Dep. A.G. - Office of the Tribal Prosecutor until the Tribe secures more funding. The Prosecutor can act as the Acting Dep. A.G.

***This position may be part-time.

POTENTIAL FUNDING SOURCES

Administration for Native Americans

Potential funding for administration of the DOJ

National Grants Administration Project

www.nnac.org

Potential funding for children's advocacy

See attached description

Court Appointed Special Advocates National Grants Program

www.nationalcasa.org

Potential funding for a Court appointed special advocate

See attached description

Community Policing/Domestic Violence

www.usdoj.gov/cops/gpa/grant_prog/dv/default.htm

Potential funding for a Community Policing Domestic Abuse Initiative

See attached description

COPS School-Based Partnerships

www.usdoj.gov/cops/gpa/grant_prog/sbp/default.htm

Potential funding for Community Policing School Based Program

See attached description

Indian Community Development Block Grant Program

www.codetalk.fed.us

Potential funding for law enforcement programs or a law enforcement building

See attached description

Community Safety and Conservation Division

www.codetalk.fed.us

Potential funding for community safety programs.

See attached description

Catalog of Federal Domestic Assistance

<http://aspe.os.dhs.gov/ofda/>

Government-wide source of all federal projects that provide assistance or benefits

See attached description

Public Safety Grants

www.usdoj.gov/state-local/grants.html

Grants for public safety projects

See attached description

The Kellogg Foundation

See attached description of grant given to Flathead Indian Reservation

Ford Foundation

See attached description of grant given to Flathead Indian Reservation

OTHER SITES FOR INFORMATION/TRAINING/ASSISTANCE

American Indian Development Associates

Ada Pecos Melton

Provides assistance and training in American Indian justice systems

See attached description

Technical Assistance to Native American Tribes and Alaskan Native Communities

Ada Pecos Melton

Provides assistance and training directed towards delinquency, crime and victimization

See attached description

Native American Children's Advocacy Center Demonstration Project

A demonstration project to develop a child advocacy center that meets the needs of child victims of abuse in Indian country.

See attached description

OJJDP *Project Information*

Project National Grants Administration Project

Emphasis Children's advocacy centers and a multidisciplinary approach to child abuse service delivery

Organization National Children's Alliance
1319 F Street, NW
Suite 1001
Washington, DC 20004

Phone 202-639-0597

Fax 202-639-0511

E-Mail info@nncac.org

Internet www.nncac.org

Contact Sue Hendrickson, Grants Coordinator

Overview The purpose of the project is to distribute grant funds to communities developing children's advocacy center models. Project goals are to:

- Provide technical assistance to communities through site visits, mentoring, and onsite consultation
- Provide grants to train team members
- Provide grants for program development
- Provide two new projects on evaluation and forensic interviewing

Services Training, technical assistance, funding, and consultation

Audience Judges; social workers; prosecutors; private program and facility staff; medical, mental health, and victim services professionals; and law enforcement

Products

- Conference notebooks containing resource material
- Other material distributed as handouts

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OJJDP *Project Information*

Project Court Appointed Special Advocates National Grants Program

Emphasis Court appointed special advocates, juvenile courts, and child welfare

Organization National Court Appointed Special Advocate Association

100 West Harrison Street, North Tower
Suite 500
Seattle, WA 98119-4123

Phone 206-270-0072

Fax 206-270-0078

E-Mail staff@nationalcasa.org

Internet www.nationalcasa.org
www.casenet.org

Contact Michael S. Piraino, Chief Executive Officer

Overview This program will:

1. Increase the number and proportion of abused and neglected children being represented by CASA volunteers
2. Provide grants to CASA programs, community groups, and courts for the development and expansion of CASA programs
3. Provide resources and materials to enhance quality program management and representation of children

Services Training, technical assistance (online, onsite, and telephonic), and grant administration

Audience CASA program staff and volunteers, community organizations, courts, judges, attorneys, and child abuse professionals

Products

- 1998 Grant Application Packet (February 28 request deadline)
- Program specific resource materials

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Training and
Technical Assistance

Compliance and
Monitoring

Program Assessment
& Policy Support

site map	contact cops	help	department of justice	home
news & information	grants, programs & activities	grantee toolbox	community policing resources	freedom of information act

Grants, Programs & Activities

Grants/Cooperative Agreements

Community Policing/Domestic Violence FY 1998 (CP/DV)

[CP/DV Purpose](#)

Purpose: The COPS office promotes a philosophy that supports organizational strategies to address the causes and reduce the fear of crime and social disorder through problem-solving tactics and community policing partnerships. In 1998, Congress appropriated approximately \$12.5 million to create a new program entitled "Community Policing to Combat Domestic Violence". Established pursuant to section 1701(d) of part Q of the Omnibus Crime Control and Safe Streets Act of 1968.

The current COPS initiatives seek to provide a multi-pronged approach by funding [community policing/domestic violence test sites](#), [training](#) and [research](#) initiatives.



Related information —



[Domestic Violence Fact Sheet](#)

[Domestic Violence Test Sites](#)

[Domestic Violence Training](#)

[Domestic Violence Research](#)

[Domestic Violence RCPI Calendar](#)

[Grant Announcement](#)



[Cover Letter](#) for final progress report (5/29/98).



[Final Progress Report](#) sent to domestic violence grantees on Friday, May 29, 1998



[PDF Help Info](#)

Please note:
Funding is no longer available for this program.

www.usdoj.gov/cops/gpa/grant_prog/dv/default.htm
U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, NW, Washington, DC 20530
(202) 514-2058
DOJ Response Center: 1 (800) 421-6770
Last updated: 10/28/99



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Grants, Programs & Activities

Grants/Cooperative Agreements

School-Based Partnerships

- ▣ [Purpose](#)
- ▣ [Overview](#)
- ▣ [Announcement](#)
- ▣ [Funding](#)

▣ **Purpose:** The School-Based Partnership (SBP) grant provides police agencies the unique opportunity to work with schools and community-based organizations to address persistent school-related crime problems.



▣ **Overview:** All applicants are required to focus on one primary school-related crime or disorder problem, occurring in or around an elementary or secondary school. Specific problems targeted may include the following: Drug Dealing or Use on School Grounds, Problems Experienced by Students on the Way to and from School, Assault/Sexual Assault, Alcohol Use or Alcohol-Related Problems, Threat/Intimidation, Vandalism/Graffiti, Loitering and Disorderly Conduct Directly Related to Crime or Student Safety, Disputes that Pose a Threat to Student Safety and Larceny.

Applicants will use the problem-solving methods to understand the causes of the problem; develop specific, tailor-made responses to that problem; and assess the impact of those responses. In order to help communities use creative problem solving to address school-related problem, this grant will fund resources such as: computer technology; crime analysis personnel; the cost of conducting student surveys and victim/offender interview; the cost of community organizers, school personnel and/or students involved in analyzing or coordinating the project; and training and technical assistance in collaborative problem-solving.



▣ **Announcement:** School-Based Partnerships '99: The grant announcement for this program took place in

Related Information



[School-Based
Partnerships 99
Fact Sheet](#)

[SBP App Kit 99](#)

[Grant Announcement](#)

[SBP Contact List](#)



[1998 School-Based
Partnerships Report on
Analysis](#)



[SBP 1998 Grantees
Initial Progress Report Form](#)



[PDF Help Info](#)

Please note:
Funding is no longer available for
this program.

August 1999. The award period is one year and the official start date for these grants is August 1, 1999.

School-Based Partnerships '98: The grant announcement for this program took place in September 1998. The award period is one year and the official start date for these grants is September 1, 1998. Supplemental awards for this program were announced in August 1999. The supplemental award period is one year and the official start date is August 1, 1999.



Funding: School-Based Partnerships '99: More than 13.2 million dollars was awarded to 120 agencies. There were 319 applicants for this program. No local match is required under School-Based Partnerships although each agency is encouraged to contribute an in-kind match to their project.

School-Based Partnerships '98: A total of \$16.5 million dollars was awarded to 155 agencies. An additional 124 agencies received supplements to their grants totaling 1.9 million dollars. There were over 320 applicants for this program. No local match is required under School-Based Partnerships although each agency is encouraged to contribute an in-kind match to their project.



www.usdoj.gov/cops/gpa/grant_prog/sbp/default.htm
U.S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, NW, Washington, DC 20530
(202) 514-2058
DOJ Response Center: 1 (800) 421-6770
Last updated: 02/15/00



Code Talk

Indian Community Development Block Grant Program (ICDBG)

Introduction: "The primary objective of the ICDBG Program is the development of viable Indian and Alaskan native communities, including decent housing, a suitable living environment, and economic opportunities principally for persons of low- and moderate-income."

1999

NOFA and Application Kit Community Development Block Grant for Indian Tribes and Alaska Native Villages FY 1999

[1999 NOFA Application Kit \(MS Word Document\)](#)

[1999 NOFA Federal Register Publication \(Adobe File\)](#)

[SF 424 Application for Federal Assistance\(4/92\)](#)

[HUD - 4121 Needs Description Comprehensive Approach \(12/97\)](#)

[HUD - 4122 Project Summary \(12/98\) *](#)

[HUD - 4123 Cost Summary \(12/98\) *](#)

[HUD - 4125 Implementation Schedule \(12/97\)](#)

[HUD - 4126 Certifications \(12/98\)*](#)

[HUD - 2880 - Applicant /Recipient Disclosure/Update Report \(3/92\)](#)

[SF -LLL - Disclosure of Lobbying Activities \(1/96\)](#)

* forms which have been revised since FY 1998 competition - they are in HUDCLIPS

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community safety and conservation division

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**ATTENTION PHAs and PHDEP GRANTEES:
 REGISTRATION FOR HUD'S 3RD ANNUAL NATIONAL CONFERENCE
 ON RESIDENT INVOLVEMENT IN CRIME PREVENTION IS DUE NO
 LATER THAN APRIL 13, 2000!**

FOR MORE INFORMATION ON THE CONFERENCE, [CLICK HERE](#).

Welcome...

...to the Community Safety and Conservation Division (CSCD) of the U.S. Department of Housing and Urban Development. We've compiled a number of resources at this site for our grantees, law enforcement officials, grant fund applicants, and any and all other interested parties. We hope that you'll find what you need.

In addition to background information about our office and why it came into being, you'll find details about CSCD grant programs and initiatives, all of which have the goal of eliminating illegal drugs and drug-related crime from America's public housing communities.

Our "Resources" section will take you to Best Practice case studies, Definitions, Links, Publications, a State/Local Gateway, and instructions on how to subscribe to a listserv comprised of people with an interest in the prevention of drug abuse and drug-related crime.

Under "Events," you'll find descriptions of upcoming conferences and training sessions, complete with the information that you'll need to register. Our "Events" section also provides you with links to the event calendars of housing and community development organizations. NOFA publication dates, grant application deadlines, and other important reminders will be provided in this section, as well. You'll want to check it often for updated information.

Again, welcome to the Community Safety and Conservation Division Web site!

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[one strike](#)

PARTNERS

The Community Safety and Conservation Division (CSCD) administers two competitive grants, the Public and Indian Housing Drug Elimination Program (PHDEP) and the Drug Elimination Technical Assistance Program (DETAP). Public Housing Authorities (PHAs) and Tribally Designated Housing Entities (TDHEs) are eligible to apply for funding under either program. CSCD has also made operating grants to the Center for Public Safety, Inc. (Police TA) and the Virginia Crime Prevention Association (Resident Patrol).

CSCD also promotes and supports initiatives that share the goals of its drug elimination grant programs. The One Strike policy, for example, allows PHAs and TDHEs to deny occupancy to applicants, as well as evict residents, on the basis of alcohol abuse and illegal drug-related activities.

Lastly, CSCD works cooperatively with a number of partners that share its mission and goals.

By funding drug elimination activities, advocating for anti-drug and anti-crime policies, and spreading its reach and influence by working in partnership with like-minded organizations, CSCD continues to enhance the safety and security of public housing residents across the country.

For information about award recipients of the PHDEP, DETAP, and New Approach Anti-Drug (NAAD) programs, click [here](#).

[CSCD Home](#) | [About CSCD](#) | [Programs](#) | [Resources](#) | [Events](#)



CATALOG OF FEDERAL DOMESTIC ASSISTANCE

December 1999 Update

The *Catalog of Federal Domestic Assistance Programs (CFDA)* is a government-wide compendium of all 1,424 Federal programs, projects, services, and activities that provide assistance or benefits to the American public. These programs provide grants, loans, loan guarantees, services, information, scholarships, training, insurance, etc., to millions of Americans every day.

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- [Alphabetic Listing of Programs](#)
- [Numeric Listing of Programs](#)
- [Subject or Topic](#)
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RELATED LINKS

- [U.S. Code](#)
- [Code of Federal Regulations \(CFR\)](#)
- [Federal Register](#)
- [Executive Orders \(EO\)](#)
- [OMB Circulars and Related Documents](#)

OTHER INFORMATION

- [Programs deleted in this update](#)
- [Programs added in this update](#)
- [Programs that have undergone a title or number change](#)
- [Single Point of Contact for States](#)
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If you haven't used the Catalog before, the [introduction](#) contains material to help you find what you want.

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*Converted to HTML format by Reuben Snipper,
Office of the Assistant Secretary for Planning and Evaluation (ASPE)
Department of Health and Human Services (DHHS)
rsnipper@osaspe.dhhs.gov*



U.S. STATE & LOCAL GATEWAY

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- ▶ [Telecommunications and Information Grants](#)
- ▶ [Violence Against Women Grants](#)

Last Modified: January 14, 2000

The *Frontier* Indian
Great *West* Debate
Country
Join the Great
Debate

CHAR-KOOSTA NEWS

The official news publication of the Flathead Indian Nation *online*

Feb. 11, 2000

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Native Path to Wellness efforts continue

The Native Path to Wellness, funded by a Kellogg Grant and a seed grant from the National 4-H Council through the Ford Foundation, was officially launched Dec. 1, 1999, when close to 120 youth and adults from the Flathead Indian Reservation community came together around the theme "Through This Vision We Will Flourish." In small groups facilitated by youth-adult teams the various aspects of community well-being were discussed and developed into a community vision.

Key elements identified in the vision include actions and ideas that will:

- Provide quality jobs for youth and adult members of the community
- Address the various dysfunctions, including alcohol and drug abuse, in the community
- Develop full language immersion programs for Salish and Kootenai
- Establish youth councils and other mechanisms for young people's voices to be included in tribal planning and programming

"Now is the time to regroup as a community to develop short range action plans for projects or events over the next three to six months and a longer-range strategic plan to guide us into the next three to five years as a community growing toward wholeness and well-being," said project coordinator Anita Dupuis. The latter will result in a one-year action plan that will also identify and address issues that have blocked these efforts in the past.

A major component of the Youth-Adult Partnership for Native Path to Wellness is the training of youth

and adults in group facilitation methods. The facilitation methods being used have been developed by the Institute of Cultural Affairs, with over 30 years experience working in 35 different countries. These methods have effectively been applied in cultures around the world. The method's courses are now taught in 13 different languages.

"This is an opportunity for participants to receive high-quality facilitation training at no cost," Dupuis said.

The next training session will be Feb. 28; the time and location will be announced. It is tentatively set for 2 to 9 p.m. to provide for as many students to get involved as possible.

New trainees, both youth and adult, will be teamed with experienced facilitators to help move the process forward. Even if people aren't ready to take a lead facilitator role, they are welcome to take the training and observe the process.

The evening will be dedicated to teaching an action planning method utilizing a real example from the community visioning that took place on Dec. 1. Everyone is welcome to come and join a youth-adult team for forming youth councils and creating other ways for youth concerns to be included in the agendas of organizations affecting their lives.

Additional community planning meetings will be held Feb. 29 and March 1 at different times and places. Some will focus on developing action plans for projects, issues, or causes near and dear to participants' hearts. Topics for action-planning include:

- Developing full Salish and Kootenai language immersion programs
- Creating quality jobs and income through the arts
- Linking and launching community and program strategies for family and community health, wellness and prevention

Facilitation teams will be provided for community and program staff to jointly develop action plans for implementation over the next several months.

The strategic planning sessions will be for "big picture" folks who like to set direction for the whole and are willing to step back and look honestly at what is blocking the community from making progress toward the vision. Times have been scheduled so that those who wish to can be involved both in the strategic planning process and a short-term action plan on a certain issue or project.

Co-hosts will include The Peoples' Center, which will host the action plan for language immersion, and the SKC Business Assistance Center, which will host the action plan for creating quality jobs and income through the arts.

Dupuis is still looking for programs or organizations to co-host a couple of strategic planning sessions and an action plan to link and launch community and program strategies for family and community health, wellness and prevention. A team of facilitators is available. If there is another project or event that your organization would like to develop an action plan for, call Dupuis at 406/887-2808 to schedule.

All members of the community are invited and encouraged to become involved at the level of their interest. For additional information contact Dupuis at the phone number above or e-mail her at nativesoul@compuplus.net.

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Send your comments about this web site to news4u@CharKoosta.com.
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OJJDP *Project Information*

Project Technical Assistance to Native American Tribes and Alaskan Native Communities

Emphasis Tribal capacity building, program development, and a comprehensive approach to delinquency, crime and victimization in tribal communities

Organization American Indian Development Associates
2401 12th Street, NW
Suite 212
Albuquerque, NM 87104

Phone 505-842-1122

Fax 505-842-9652

E-Mail aidainc@flash.net

Contact Ada Pecos Meiton, President
Cynthia Aragon, Esq. Program Manager

Overview The goals of the projects are to build tribal capacity to develop comprehensive, system-wide responses to juvenile crime, violence, and victimization in tribal communities on and off Indian lands. This program will develop a methodology for delivering technical assistance to tribes; strengthen traditional or indigenous justice systems; develop culturally appropriate programs that service Indian children, youth, and families; assist in developing sustainable programs and assist in the development of interagency and intergovernmental relationships.

Services Technical assistance and training (onsite whenever possible and regional) in policy and program development, comprehensive needs assessments, and training.

Audience Tribal juvenile justice practitioners, judges, prosecutors, law enforcement, tribal officials, social service and mental health workers, and public program administrators.

Products

- Developing Juvenile First Offender Programs in Native American Communities
- Juvenile Probation Programs in Native American Communities
- Using Indigenous Justice Approaches in Handling Juvenile Crime and Delinquency Issues

Training Events Tribalwide, statewide and regional training sessions to enhance juvenile justice planning, development, improve service delivery systems and skill-building sessions scheduled as needed or requested.

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OJJDP *Project Information*

Project Native American Children's Advocacy Center
Demonstration Project

Emphasis Children's advocacy centers and multi-disciplinary
approach to child abuse service delivery customized to
meet needs in Indian country

Organization Western Regional Children's Advocacy Center
301 West 13th Street
Pueblo, CO 81003

Phone 800-582-2203 or 719-543-0380 or 719-583-6332

Fax 719-543-0383

E-Mail wrcac@rmi.net

Internet www.hsv.tis.net/~rcacadm/wrcac.html

Contact Teresa A. Cain, Executive Director

Overview The Tulalip Tribes in Marysville, WA will serve as a
demonstration project to develop a child advocacy center
that meets the needs of child victims of abuse in Indian
country.

Services The Western Regional Children's Advocacy Center
(WRCAC) will provide training and technical assistance to
the Tulalip Tribes in support of their CAC program
development. When fully developed, the Native American
Children's Advocacy Center Demonstration Project will
serve as a model to assist other tribes to begin similar
programs.

Audience Native American tribes and their medical, mental health,
law enforcement, child protection, and prosecution
agencies

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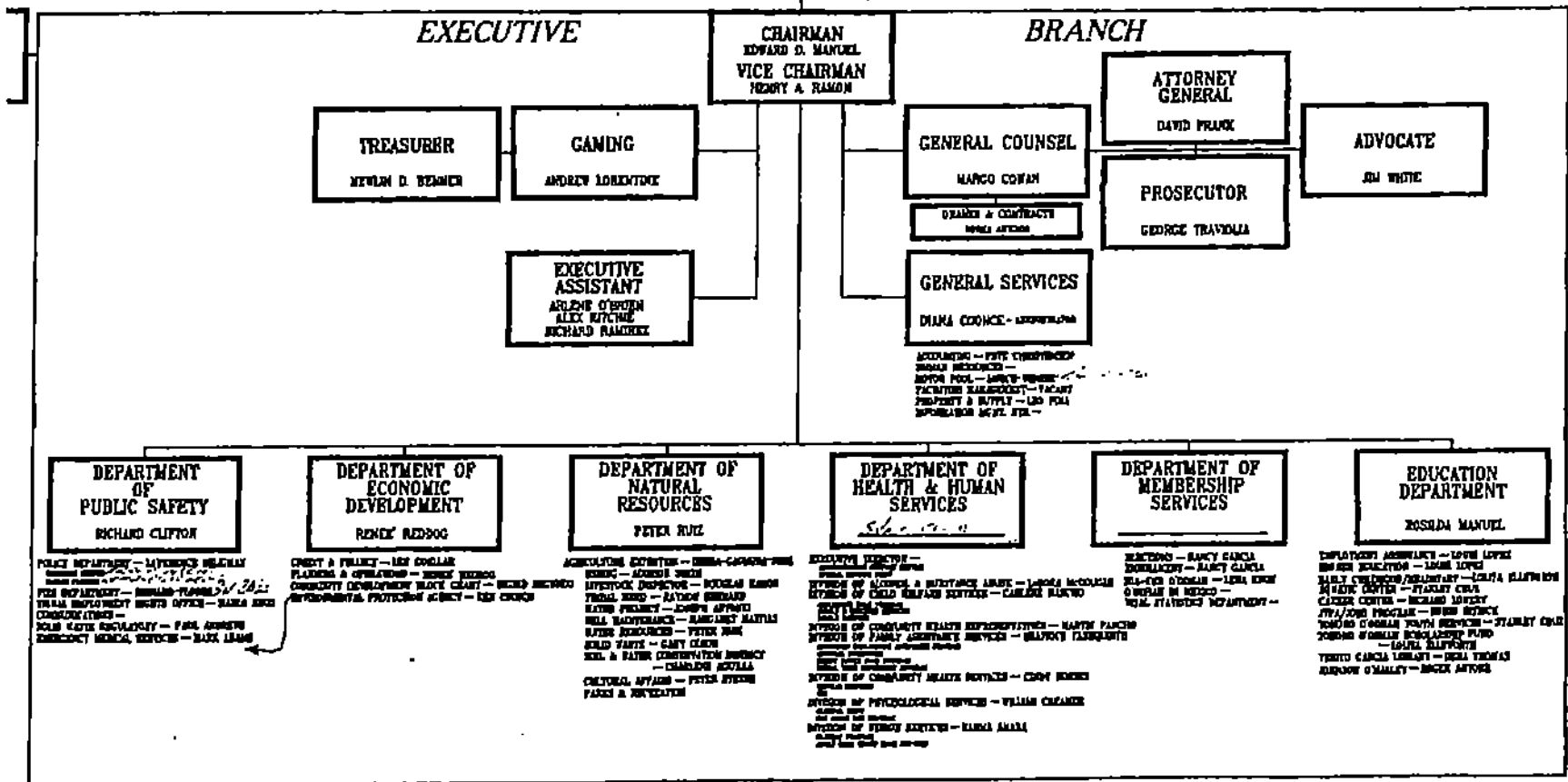
TOHONO O'ODHAM NATION ORGANIZATIONAL CHART



TOHONO O'ODHAM NATION (PEOPLE)

TOHONO O'ODHAM CONSTITUTION ADOPTED (1968)

ELEVEN DISTRICTS
 BARNETT
 CHERRY FLW
 CU ACD
 CU 10
 HUNTER
 POND
 SAN LUCY
 SAN LUIS
 SCOTT TALK
 SULLY
 TAYLOR
 WILSON



LEGISLATIVE BRANCH
 EDWIN RAMON
 ALBERT RAMON, JR.
 JULIANA RAMON

NATURAL RESOURCES
 STELLA, ANITA
 GARCIA
 APR 23, 1995
 BEEDAGRA
 A. NELSON

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JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

CHECKLIST FOR GETTING STARTED
ONE MONTH TIME FRAME

	<u>TASK</u>	<u>PERSON RESPONSIBLE</u>	<u>TIME FRAME</u>
<input type="checkbox"/>	1. Designate and delegate authority to develop HDOJ to the Law and Order Committee	Tribal Chair places item on Tribal Council Meeting Agenda	14 days
<input type="checkbox"/>	2. Schedule first monthly meeting	Law and Order Committee Chair	5 days after receiving authority to develop HDOJ
<input type="checkbox"/>	3. Draft job description for AG	Law and Order Committee Chair with assistance from Committee and approved by Tribal Council	14 days after receiving authority to develop HDOJ

**JIWAY GWAYO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE**

**CHECKLIST FOR PHASE ONE
SIX MONTH TIME FRAME**

	<u>TASK</u>	<u>PERSON RESPONSIBLE</u>	<u>TIME FRAME</u>
<input type="checkbox"/>	1. Hold first monthly meeting (schedule each following meeting at the end of the meeting)	Chair of Law and Order Committee	Every 30 days
<input type="checkbox"/>	2. Investigate Funding Sources	Chair or AG with assistance from Law and Order Committee	Ongoing with frequent reports to Law and Order Committee and Council
<input type="checkbox"/>	3. Designate HDOJ Liaisons	AG (or L&O Committee if AG not hired yet) w/ assistance from departments liaisons work for	60 days
<input type="checkbox"/>	4. Hire Community Service Officers	AG (or L&O Chair w/assistance from Committee)	90 days
<input type="checkbox"/>	5. Improve Image	AG (or L&O Chair w/assistance from Committee)	Ongoing

JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

CHECKLIST FOR PHASE TWO
SIX MONTH TIME FRAME

	<u>TASK</u>	<u>PERSON RESPONSIBLE</u>	<u>TIME FRAME</u>
<input type="checkbox"/>	1. Tribal Council Passes HDOJ Statute	Tribal Council	30 days
<input type="checkbox"/>	2. Hire Attorney General	L&O Committee Nominates Council Has Final Approval	90 days
<input type="checkbox"/>	3. Solidify MOU with BIA Police	L&O Committee (or AG if hired)	90 days
<input type="checkbox"/>	4. Continue Monthly Meetings	L&O Chair (or AG if hired)	ongoing
<input type="checkbox"/>	5. Begin Restructuring Departments	Attorney General	Begin when hired - 90
<input type="checkbox"/>	6. Build HDOJ Support	AG with assistance from L&O	ongoing
<input type="checkbox"/>	7. Continue Budget Process	AG with assistance from HDOJ staff	ongoing
<input type="checkbox"/>	8. HDOJ Staff Training	AG	ongoing

JIWAY GWAVO - THE WAR ROOM
BUILDING A HUALAPAI DEPARTMENT OF JUSTICE

CHECKLIST FOR PHASE THREE
SIX MONTHS TO ONE YEAR TIME FRAME

	<u>TASK</u>	<u>PERSON RESPONSIBLE</u>	<u>TIME FRAME</u>
<input type="checkbox"/>	1. Create Flexible HDOJ Structure	Attorney General	ongoing
<input type="checkbox"/>	2. A Hualapai Hall of Justice	AG with assistance from L&O	1 year
<input type="checkbox"/>	3. 638 all Departments	AG with assistance from Council	1 year
<input type="checkbox"/>	4. Self-sustaining HDOJ	Attorney General	ongoing
<input type="checkbox"/>	5. Selected Deputy Attorney Generals	Attorney General	30-90 days
<input type="checkbox"/>	6. Continue Training and Education	AG with assistance from L&O	ongoing



Jiway Gwavo The War Room



Building a Hualapai Department of Justice

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Interviews - Hualapai Community Members

Don Bay

Phillip Bravo Jr.

Tina Grounds

Ginger Bender

Louise Benson

Alex Cabillo

Sherry Count

Joseph Flies-Away

Delbert Havatone

Linda Havatone

Sharon Havatone

Sisney Havatone

Monza Honga

Waylon Honga

Carrie Imus

Theda McCabe

Everett Manakaja

Aaron Mathis

Wanda Quasula

Selena Siyuja

Peggy Tsokas

Louie Wauneka

Angie Walema

Cindy Watahomigie

Philbert Watahomigie

Lucille Watahomigie

Mike Whatoname
Lori Wood
John Yellow Hawk
Hualapai Tribal Court Staff
Hualapai Health Department Staff
Peach Springs EMS Staff

Additional Interviews

Miriam Jorgensen, Harvard University
Jonathan Taylor, LEXECON
Kenny Grant, LEXECON
Stewart Wakeling
Anthony Braga, Harvard University
Brett Clapham, Deputy Attorney General Navajo Nation
Joseph Kalt, Harvard University
Manley Begay, Harvard University
Eric Henson, LEXECON
Andrew Lee, Harvard University
Eileen Luna, University of Arizona
Mr. Hill, Criminal Investigator, BIA
John Carter, Legal Department. Salish Kootenai Tribes
Jim Taylor, Defenders Project. Salish Kootenai Tribes

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