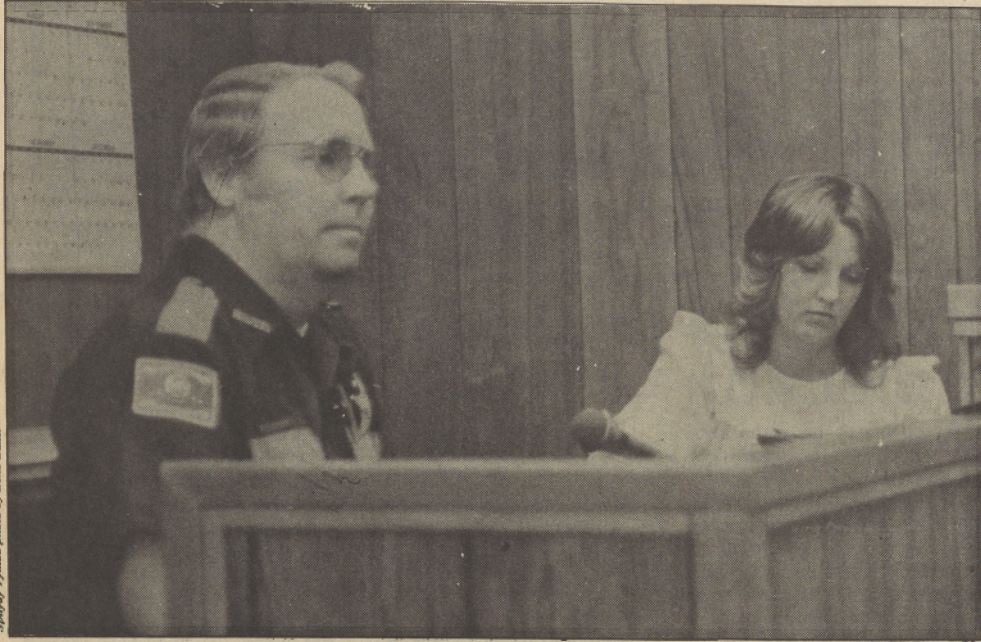
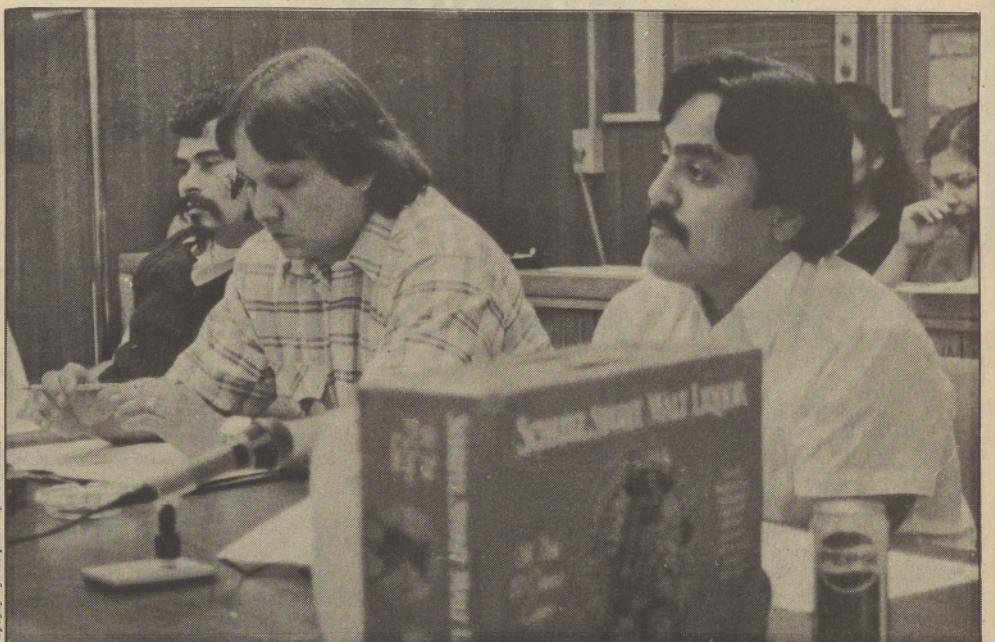


# Court presents orientation session to Tribal Council



Giving testimony during the mock trial held during the court orientation day for Tribal Council was Officer Bruce Fones. Court recorder Michele McCool performed her normal job duties.



Papo Cruz acted out the role of defendant who was charged with driving under the influence. He was defended by legal aide Spud Langnese. Tribal prosecutor Paul Minthorn presented the case against Cruz. The trial was without jury. Cruz lost his case.

Here on the Warm Springs reservation everyone is entitled to their day in court and to ensure that people have their day, plus have some knowledge of how the court system works, a day-long orientation was held. It was the first time that the court system was explored by the Tribal Council and management in an orientation program.

Chief judge Richard Frederick held the training August 29. Each of the departments affiliated with the court presented a demonstration of how their department worked. Departments participating were the judges, court compliance, court records, intake, legal aid advocate, parole and probation, juvenile coordinators, lead clerks, appeals clerks and probate.

Listed on the day's agenda were a show cause hearing; sentencing hearing; not guilty hearing; court compliance work station; filiation hearing; court intake; arraignments; trial proceedings; revocation hearing; no bail/no bond hearings; parole hearing; juvenile coordinator role; custody hearing; case proceeding; appeals court processing; probate; parole and probation department; legal aid department; and juvenile not guilty hearing.

The goal of the orientation was to acquaint management and Tribal Council with the court system and how the new code has been implemented into the system. During all presentations a time was given for questions and answers. Unlike a court hearing participants were able to stop proceedings to ask questions.

One area that drew a good deal of attention was the bail

and bond law. In the past, enrolled members were able to sign bonds at the jail. That has been changed and they must now sign in front of a judge. This is so that people who do sign fully understand they are guaranteeing the defendant will be in court and if not then the signers of the bond are responsible for the bail. In the past people would sign and then become angry because they were held responsible. With the signing in front of a judge who explains the terms there have been fewer problems since the new policy went into effect.

Defendants who fail to appear then lose the right to have bail posted or bonds signed. This is to ensure they will be in court when the date has been set. People have always felt they had the right to bail or bond and in some cases this is not true.

People who fail to appear lose their right to a trial by jury. So it is important people understand their role as a defendant. People who sign bonds must be tribal members who do not owe any monies to the court system. The arraignment procedure is a time when the defendant is read his rights and what he is charged with. The person is then asked to plead whether he is guilty or not guilty.

The role of the juvenile coordinator's office was explained. Dave Harding, juvenile coordinator and juvenile coordinator trainee Nancy Cochran were introduced and their jobs and case loads were expanded upon. Harding explained the coordinator's department is the newest department in the court system. It works with juveniles in

need of supervision, abused children, neglected children, children with behavior problems, adoptions, and short term custody placements. At this time, the coordinator's department is located in the counseling center (old girls dorm). They work with various departments in the hopes of diverting children from being in court. It is the goal to identify problems before they become major. This often means working with the schools, daycare, and youth services.

Papo Cruz, head of the Tribal parole and probation department and other staff members presented a brief summary of what the department provides to the court and various departments within the tribal structure. Earlier this year the officers of the parole and probation department were sworn in as officers of the court thus giving the department more authority. The officers can now make home visits and have the power of arrest.

## Tent meeting set

September 16 through 18 is the date set for a tent meeting sponsored by All Tribes Christian Life Center. Two miles south of Wapato, Washington has been designated as the site for the meeting.

Featured will be Denney Duron, former college and world football league player and cur-

Legal aid department and its function were also explained and what their role is in the reservation judicial system. The prosecutor's role within the court and police department were covered in detail.

A highlight in the day-long orientation was the mock trial which was held for participants to see how the system worked. The various members of the departments participated in the mock trial. Several times during the court presentations members management and council asked questions seeking a fuller understanding of the court and its departments.

According to judge Frederick it is hoped that the court will be able to have more orientations scheduled both for the Council and community members. These orientations days will be printed in the Spilyay Tymoo for people who are interested in becoming more knowledgeable in system.



Nancy Cochran, juvenile coordinator trainee and Dave Harding, juvenile coordinator, have been working with troubled juveniles in Warm Springs since April. Their office is located on the second floor of the old girl's dorm. An open house is planned for Friday, September 20 beginning at 3 p.m. Those who attend are required, or at least encouraged, to bring a plant or poster to help decorate their offices.

## Public conscious of drinking, driving laws

The following statistics were compiled from the Prosecutor's daily log. The Warm Springs Tribal Prosecutor keeps an accurate compilation of cases going to court as new charges, trials, and sentencing.

The following statistical information has been compiled with the intent of determining whether or not the bail and bond procedure in effect at this time has been effective in deterring the contempt of court complaints that have plagued the court in the past because of defendants not appearing as scheduled or bonded to appear.

The information has been taken from monthly log entries with regard to the time-frame in which the new bail and bond procedure took effect on March 23, 1985. The corresponding time-frame from 1984 was utilized so that a general comparison can be drawn between last year's stats with the old bonding procedure in effect and this year's status with the new bail and bond procedure.

The information was gathered with the intent of focusing upon the cases that are the bulk of the Tribal Court's caseload, that being of alcohol-related offenses, i.e., DUI, Liquor Violations, and Disorderly Conduct. Much more energy and time would be necessary to compile information regarding the entire array of the court's caseload; furthermore, many cases occur so infrequently that their numbers would be insignificant for the purposes and intent described above.

The information that can be obtained from the stats indicates that there is a shift in the number of charges being brought

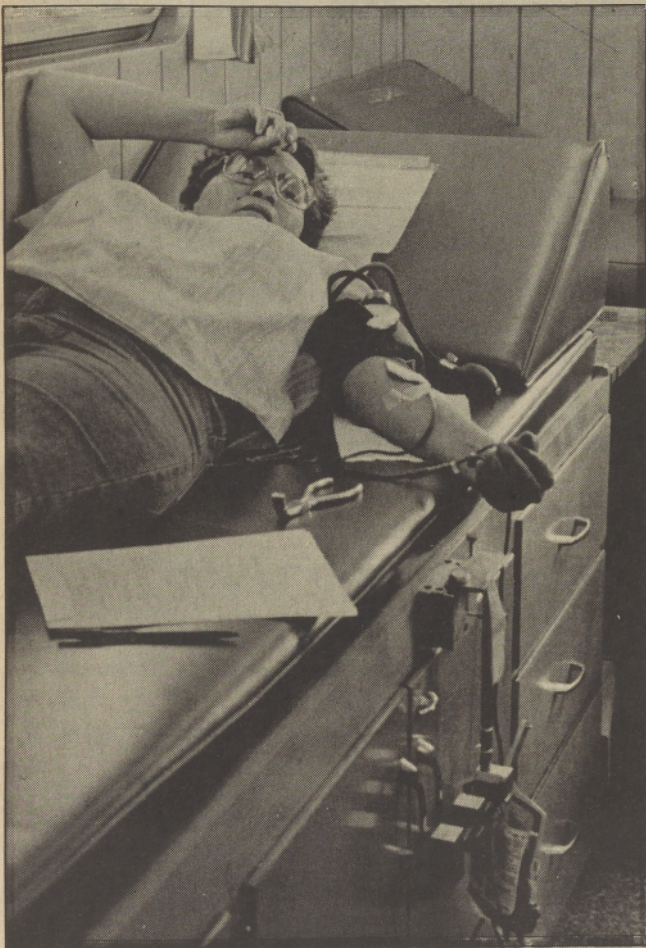
to the Court in 1985 than in the previous year, which can be attributed to the Tribal Court's ability to get a defendant before a judge to answer to a charge in a much more controlled fashion. The Warm Springs Police Department has also noticed a decline in the number of people stopped on traffic stops that have a "drinking driver." The people are still out there drinking, however, since the implementation of the new consequences of bond procedure, the public is very cautious and conscious of the consequences of drinking

and driving, which is on the rise in the number of contacts the police make with the community that have an automobile full of intoxicated citizens with the exception of the driver.

Finally, many more people are pleading guilty to the charges that they have during the arraignment stage of their court proceedings. Whether or not his can be attributed to the new bail and bond procedure remains to be seen, as the time-frame that these status have been compiled upon are really not enough to draw solid conclusions. A guess

would be that many people would rather not take anymore time than is necessary to get their dealings with the law over with and any hopes of "beating the rapp" are not there anymore, primarily because the defendant did not and will not post the bail to get out of jail, he would much rather sit it out until he does get before the judge in the hopes that his time in jail will count for something.

Again, these stats include only the dates from March 23, 1984, through July 15, 1984 and March 23, 1985, through July 15, 1985.



Preparing for surgery, Pat Leno-Baker donates blood which she will use for herself if needed. Blood is usually donated for general use but use may be specified by donor.

| TRIBAL PROSECUTION STATISTICS 1984 & 1985  |                    |               |                    |
|--|--------------------|---------------|--------------------|
| JANUARY THRU JUNE  |                    |               |                    |
| A) Represents the total criminal charges arraigned for the month indicated.  |                    |               |                    |
| B) Represents the total of criminal charges where alcohol is an element of the crime, directly related to the violation; i.e., DUI, Liquor Violation, etc.                           |                    |               |                    |
| C) Represents the total of charges where alcohol and drugs are directly or indirectly related to the crime, suspect is under the influence of alcohol and/or a controlled substance. |                    |               |                    |
| D) Represents the number of DUII cases for that month.   |                    |               |                    |
| 1984   |                    | 1985          |                    |
| TOTAL CHARGES  | % OF TOTAL CHARGES | TOTAL CHARGES | % OF TOTAL CHARGES |
| JANUARY  |                    |               |                    |
| A) 91  | 73%                | 83            | 73%                |
| B) 23  | 25%                | 18            | 22%                |
| C) 15  | 17%                | 8             | 10%                |
| D) 31  | 34%                | 42            | 50%                |
| FEBRUARY   |                    |               |                    |
| A) 85  | 67%                | 43            | 50%                |
| B) 21  | 25%                | 23            | 28%                |
| C) 12  | 15%                | 7             | 8%                 |
| D) 31  | 38%                | 13            | 16%                |
| MARCH  |                    |               |                    |
| A) 86  | 62%                | 49            | 47%                |
| B) 21  | 24%                | 35            | 34%                |
| C) 11  | 13%                | 15            | 15%                |
| D) 31  | 36%                | 35            | 34%                |
| APRIL  |                    |               |                    |
| A) 85  | 71%                | 37            | 37%                |
| B) 21  | 24%                | 21            | 21%                |
| C) 11  | 13%                | 4             | 4%                 |
| D) 31  | 37%                | 16            | 16%                |
| MAY  |                    |               |                    |
| A) 72  | 58%                | 39            | 43%                |
| B) 17  | 22%                | 25            | 28%                |
| C) 11  | 14%                | 11            | 12%                |
| D) 23  | 30%                | 14            | 15%                |
| JUNE   |                    |               |                    |
| A) 91  | 74%                | 97            | 83%                |
| B) 23  | 24%                | 21            | 21%                |
| C) 11  | 11%                | 16            | 16%                |
| D) 31  | 36%                | 36            | 36%                |

| March 23, 1984 - July 15, 1984                                      |              | March 23, 1985 - July 15, 1985 |              |             |     |
|---|--------------|--------------------------------|--------------|-------------|-----|
| DRIVING UNDER THE INFLUENCE CHARGES                                 |              |                                |              |             |     |
| March   | DUII.....9   | March                          | DUII.....3   |             |     |
| April   | DUII.....18  | April                          | DUII.....14  |             |     |
| May   | DUII.....27  | May                            | DUII.....16  |             |     |
| June  | DUII.....33  | June                           | DUII.....16  |             |     |
| July  | DUII.....9   | July                           | DUII.....7   |             |     |
| total DUII cases 96   |              | total DUII cases 56            |              |             |     |
| 42% fewer DUII cases in 1985 than in 1984 over the same time frame. |              |                                |              |             |     |
| Breakdown of pleadings at arraignment for DUII charges              |              |                                |              |             |     |
| DUII GUILTY 07-23-84 through 07-15-84                               |              | DUII GUILTY                    |              |             |     |
| March   | DUII.....4   | 44%                            | March        | DUII.....5  | 56% |
| April   | DUII.....9   | 50%                            | April        | DUII.....9  | 50% |
| May   | DUII.....18  | 66%                            | May          | DUII.....9  | 33% |
| June  | DUII.....20  | 62%                            | June         | DUII.....13 | 38% |
| July  | DUII.....8   | 87%                            | July         | DUII.....3  | 13% |
| DUII GUILTY 04-23-85 through 07-15-85                               |              | DUII GUILTY                    |              |             |     |
| March   | DUII.....2   | 66%                            | March        | DUII.....1  | 33% |
| April   | DUII.....11  | 69%                            | April        | DUII.....5  | 31% |
| May   | DUII.....5   | 35%                            | May          | DUII.....9  | 65% |
| June  | DUII.....7   | 43%                            | June         | DUII.....9  | 65% |
| July  | DUII.....3   | 45%                            | July         | DUII.....4  | 55% |
| March 23, 1984 - July 15, 1984                                      |              | March 23, 1985 - July 15, 1985 |              |             |     |
| LIQUOR VIOLATIONS AND DISORDERLY CONDUCT                            |              |                                |              |             |     |
| March   | LV/DC.....8  | March                          | LV/DC.....1  |             |     |
| April   | LV/DC.....13 | April                          | LV/DC.....15 |             |     |
| May   | LV/DC.....20 | May                            | LV/DC.....9  |             |     |
| June  | LV/DC.....38 | June                           | LV/DC.....35 |             |     |
| July  | LV/DC.....13 | July                           | LV/DC.....18 |             |     |