

**COOPERATIVE AGREEMENT
BETWEEN THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES,
DIVISION OF JUVENILE JUSTICE; ALASKA STATE TROOPERS,
DEPARTMENT OF PUBLIC SAFETY; AND THE CITY AND VILLAGE OF
KOYUK ACTING AS A COMMUNITY COURT**

I. PURPOSE

This Cooperative Agreement is intended to establish a relationship with the Koyuk Community Court (hereafter referred to as "Community Court") representing the community of Koyuk to serve as an alternative diversion for certain minor juvenile offenses. The Cooperative Agreement is between the City and Village of Koyuk (hereafter referred to as "Koyuk"), the State of Alaska Department of Health and Social Services, Division of Juvenile Justice (hereafter referred to as "DJJ"), and the Alaska State Troopers (hereafter referred to as the "Troopers"). The intent of this agreement is to attempt to more effectively respond to and rehabilitate juvenile offenders at a local village level through a Community Court. The principal responsibility for the disposition of minor juvenile offenses referred to the Community Court by DJJ shall rest with the Community Court. The state court system shall be used by the parties in the event that Community Court enforcement and rehabilitation are ineffective with respect to a particular offender.

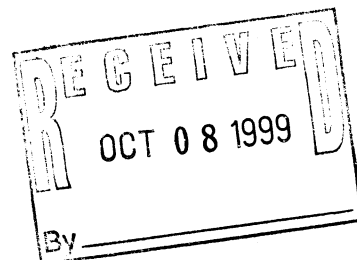
II. SCOPE

The Cooperative Agreement shall apply to all misdemeanor offenses referred to the Community Court by DJJ under AS 11 which are committed by juvenile residents of Koyuk with the exception of Sexual Abuse of a Minor. For the purpose of this Cooperative Agreement, a "juvenile resident of Koyuk" shall be defined as a person who: (i) is 17 years of age or younger; and (ii) resides within the City and Native Village limits of Koyuk.

III. GENERAL PROVISIONS

A. Any allegation of an offense specified in this agreement, when deemed appropriate by DJJ, shall be referred to the Community Court, pursuant to the applicable state law and the written procedures of the Community Court. The Community Court procedures shall contain protections for the civil rights of residents of Koyuk that, at a minimum, provide the protections set out in the Indian Civil Rights Act.

B. The Community Court shall refer such cases as it deems appropriate back to DJJ for prosecution through the state court system. Those cases will generally be limited to repeat juvenile offenders for whom Community Court sanction and rehabilitation have been ineffective and who could be better sanctioned through the state courts.



IV. PROCEDURES

A. Should an allegation of an offense listed in Section II of this agreement come to the attention of local law enforcement or Troopers in Koyuk, the law enforcement agency shall refer the case to DJJ. Offenses deemed appropriate by DJJ shall be referred to the Community Court. Cases may also be referred to the Community Court pursuant to the procedures of the Community Court.

B. When a matter is referred to the Community Court, the Community Court or its officials shall determine whether the offense is appropriate for disposition by the Community Court;

1. If the Community Court determines that the matter is an appropriate one, the court clerk shall meet with the juvenile and his or her parent or guardian. The juvenile and the parent or guardian shall review the written procedures of the Community Court. The court and the juvenile and his or her parent or guardian shall be asked to sign a Community Court Agreement, a copy of which is attached to and incorporated in this agreement, consenting to the disposition of the case in the Community Court. If the parties sign the agreement then it shall be forwarded to the appropriate office of the DJJ for signature. If the parties or DJJ do not agree to sign, then the juvenile will be referred to DJJ for investigation and prosecution under state law.

2. If the court determines that the matter is not appropriate, the juvenile shall be referred to DJJ for investigation and prosecution under state law.

C. If the Community Court hears the case, it shall determine whether the person is guilty or innocent and, if guilty, shall fix the appropriate accountability-based sanction. DJJ shall be notified by the court clerk of the disposition of the case and whether, and to what extent, if any, the order of the court was obeyed.

D. The Community Court clerk shall maintain records of the proceedings brought pursuant to this Cooperative Agreement. DJJ, the Alaska State Troopers, or Koyuk shall train the clerk to keep records in a form that can be used in state court, should it prove necessary to prosecute an individual in the state court system.

V. CONSULTATION

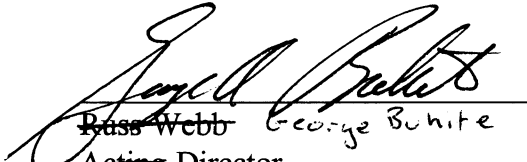
DJJ, Koyuk, and the Alaska State Troopers shall consult during the operation of the Cooperative Agreement considering the matters addressed herein as well as other matters related to the issue of minor juvenile offenses which either party believes are suitable for such consultation. Each party shall give substantial deference to the views of the other party during such consultation and all decisions shall, to the maximum amount possible, be made upon the basis of consensus. DJJ and the Troopers shall consult Koyuk on any action undertaken or proposed to be undertaken by any agency or department of the state government that may be relevant to the issue of minor juvenile offenses, and shall

use their best efforts to have such agency or department participate in such consultation with Koyuk and to afford their views substantial deference.

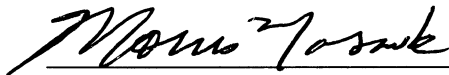
I. ADOPTION AND AMENDMENT

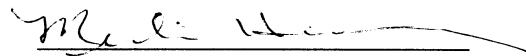
The Cooperative Agreement shall take effect upon the date of the signature by the respective parties. Should any party choose to withdraw from this agreement, thirty days notice to all parties is expected. The parties shall consult from time to time regarding whether the Cooperative Agreement should be amended; the Cooperative Agreement shall be amended only upon concurrence of all parties.

Adopted this _____ day of _____, 1999.


~~Russ Webb~~ George Buhite
Acting Director
DFYS, DHSS DJT

Colonel Glenn G. Godfrey
Director
Alaska State Troopers


City of Koyuk


Koyuk IRA

Approved as to form:

Bruce Botelho
Attorney General

_____ **COMMUNITY COURT AGREEMENT**

Under AS 47.12.010, AS 47.12.030, and AS 47.12.060, the juvenile and the parents/guardian/custodian enter into the following agreement for informal diversion through the _____ Community Court.

1. The juvenile and parents/guardian/custodian have been advised of their rights and understand that any rights to a speedy trial are waived during the period of processing through this diversion action. All parties hereby consent to have the alleged offense(s) which occurred on _____ handled by the _____ Community Court.
2. The juvenile agrees to observe and obey all city, state and federal laws during this processing.
3. The juvenile agrees to attend school and follow school rules (or seek and maintain employment), obey the instructions of the parents/guardian/ custodian and seek permission before leaving or staying away from home
4. The juvenile agrees to participate in the program and to abide by the sentencing act set forth by the Community Court, understanding that the Community Court may not order removal from the home, formal state probation, or a formal state juvenile delinquency record.
5. Upon the juvenile's successful completion of this agreement the case will be adjusted and closed. If the juvenile fails to complete this agreement, he/she may be brought before the State Superior Court.
6. The juvenile and parent/guardian/custodian authorize DJJ Juvenile Intake or its designee to release, share and keep records for administrative purposes as necessary to coordinate the referral with diversion programs and to facilitate successful completion of any sentence imposed by Community Court. Otherwise information is confidential and shall be protected.

COURT DATE/ TIME: _____

Community Court Representative

Date

Juvenile

Date

Parent/Guardian/Custodian

Date

Juvenile Probation Officer

Date

IN THE _____ COMMUNITY COURT

In the matter of _____)
)
) Report Number _____
A minor under 18 years of age)
and resident of _____.)

VERDICT/ SENTENCE

On _____, the _____ Community Court convened and held a hearing to determine whether the defendant had violated the laws as presented in the Complaint. The Hearing was held in accordance with the Community Court Cooperative Agreement. The defendant and his/her parents or guardian were present at the hearing.

After hearing the statements of all interested parties and having reviewed all documents or items presented, the Court finds the defendant **GUILTY**.

Therefore, the Court, with a focus of rehabilitating our young members of the Village, hereby ORDERS that the defendant do the following things:

1. _____
2. _____
3. _____
4. _____

This must be done by (Court Date) _____

This case will not close until the defendant completed the Court's orders. If he/she does not comply with the Court's orders, the Court will call the defendant back to stand in front of the Court and to explain his/ her actions.

DATED: _____

COMMUNITY WORK SERVICE WAS COMPLETED ON _____

_____ Community Court Clerk/ Judge _____