

RESOLUTION NO. 88 -10
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Approving The Yavapai-Apache Public Safety Department Code

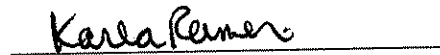
- WHEREAS:** The Yavapai-Apache Tribal Council ("Council") is empowered to represent the Yavapai-Apache Nation ("Nation") and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation; and
- WHEREAS:** The Council is the legislative body of the Nation empowered to enact laws, ordinances, and resolutions incidental to the exercise of legislative powers as provided by Article V(v) of the Nation's Constitution; and
- WHEREAS:** The Council has the authority to enact codes governing law enforcement on lands within the jurisdiction of the Nation as provided by Article V(o) of the Nation's Constitution; and
- WHEREAS:** The Council has addressed the need to acknowledge, ratify and confirm the existence and authority of the Nation's Public Safety Department consisting of the Police and Rescue/EMS units and hereby ratifies all actions taken, and authorities and duties exercised by the Public Safety Department prior to the enactment of the attached Yavapai-Apache Public Safety Department Code; and
- WHEREAS:** The Council has reviewed the attached Yavapai-Apache Public Safety Department Code and deems it to be in the best interests of the Nation to enact such Code as Title 6A of the Yavapai-Apache Nation Tribal Code.
- NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, approves and enacts the attached Yavapai-Apache Public Safety Department Code as Title 6A of the Yavapai-Apache Nation Tribal Code.
- BE IT FURTHER RESOLVED** that the originals of this Code shall be filed with the Secretary of the Nation, the Clerk of the Court and with the Office of the Attorney General.
- BE IT FINALLY RESOLVED** that the Chairman, and Vice-Chairman, or either of them, are hereby authorized and approved to take such further action as deemed necessary or warranted to carry out the purposes and intent of this resolution.

CERTIFICATION

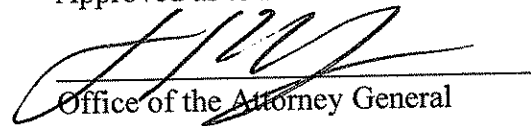
I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, presented for approval on May 6 2010, with a quorum present, by a vote of 6 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.


Thomas Beauty, Chairman

ATTEST:


Karla Reimer, Council Secretary

Approved as to Form:


Office of the Attorney General

TITLE 6A

**YAVAPAI-APACHE PUBLIC SAFETY DEPARTMENT
CODE**

YAVAPAI-APACHE PUBLIC SAFETY DEPARTMENT CODE

Section 101. PURPOSE

To acknowledge the existence of the Yavapai-Apache Public Safety Department consisting of the Police and Fire units, to ratify and confirm the Department's past authorities and responsibilities, to establish the Department's existence, authorities and responsibilities into the future, and to set forth the Department's composition and structure within the Executive Branch of the Yavapai-Apache Nation Government.

Section 201. DEFINITIONS

- A. "Chief of Police" shall mean the director of the Yavapai-Apache Public Safety Department.
- B. "EMS" shall mean Emergency Medical Services as provided by the Fire unit of the Public Safety Department.
- C. "Nation" shall mean the Yavapai-Apache Nation.
- D. "Department" shall mean the Yavapai-Apache Public Safety Department located within the Executive Branch of the Nation's Tribal Government.
- E. "Tribal Council" shall mean the Yavapai-Apache Tribal Council.

Section 301. RATIFICATION OF EXISTENCE

- A. There is acknowledged, ratified and confirmed the existence of a department of the Nation to provide law enforcement and rescue/EMS services on lands within the jurisdiction of the Nation known as, and shall to continue to exist and to be known as, the Yavapai-Apache Public Safety Department. The Yavapai-Apache Public Safety Department has consisted of, will continue to consist of, the Police unit and the Fire unit.
- B. The task of the Police unit within the Department is to reduce crime, solve community problems, protect life and property, and preserve the laws, ordinances and constitutional rights of all persons within the jurisdiction of the Nation. The Police unit exists to serve the public and improve the quality of life for all people within the Nation's jurisdiction.
- C. The task of the Fire unit within the Department is to provide and/or arrange for the provision of emergency medical services and rescue services for incidents occurring within the jurisdiction of the Nation.
- D. In approving and implementing this Code, the Yavapai-Apache Tribal Council hereby acknowledges and confirms that the Yavapai-Apache Public Safety Department has been in existence to the date of the passage of this Code, that it exists as a Department within the Executive Branch of the Nation's tribal

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government, and that the Department shall continue to exist and provide the services and have the authorities and responsibilities as provided for in this Code. The Tribal Council further ratifies all prior Department actions, authorities, and duties which the Department executed previous to the passage of this Code while in the performance of its responsibilities as a Department of the Nation.

302. DUTIES AND RESPONSIBILITIES OF DEPARTMENT

- A. The Public Safety Department, under the direction of the Chief of Police and consistent with the Constitution of the Yavapai-Apache Nation, shall have the following responsibilities, duties and authorities:
1. To enforce the laws of the Nation and applicable federal and state laws;
 2. To arrest and charge violators of the Nation's law, and applicable federal and state law, who fall within the jurisdiction of the Nation and/or under the authority of Public Safety Officers operating in accordance with applicable intergovernmental agreements, AZ Post Certifications, and/or federal law enforcement (e.g., SLEC) authorizations;
 3. To investigate or direct the investigation of criminal acts occurring within the jurisdiction of the Nation and file the necessary accompanying reports working in conjunction with the Nation's Prosecutor's Office;
 4. To keep such records as are necessary to the effective operation of the Public Safety Department and the execution of the duties thereof;
 5. To attend all court hearings when an element of danger is anticipated by a judge, and to obey all lawful court orders, or serve all warrants and subpoenas as requested by a judge;
 6. To preserve the peace;
 7. To conduct or coordinate search or rescue operations involving the life or health of any person upon the Nation's lands; and/or in accordance with authorized intergovernmental agreements or other authorizing certifications, assist with an operation in another jurisdiction at the request of that jurisdiction's leading law enforcement official;
 8. To request, in accordance with appropriately authorized agreements, the assistance of any non-Nation personnel or agency to assist the Public Safety Department in meeting its responsibilities as set forth in this Code;
 9. To direct traffic and ensure the orderly flow thereof and investigate and make reports on traffic accidents with the jurisdiction of the Nation; and

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10. To perform such additional duties as may be required by the Tribal Council, the Chair and Vice-Chair, and the Executive Director of Administrative Operations.

303. ESTABLISHMENT OF THE OFFICE OF THE CHIEF OF POLICE; DUTIES

- A. There is hereby established an Office of the Chief of Police. The Chief of Police shall be hired or appointed by the Tribal Council. The Chairman and the Vice-Chairman, in coordination with the Executive Director of Administrative Operations, shall provide the day-to-day supervision of the Chief of Police in accordance with the Nation's applicable Human Resources policies.
- B. The duties and responsibilities of the Chief of Police shall consist of:
 1. Directing and supervising the operation of the Public Safety Department;
 2. Ensuring that the duties and responsibilities of the Department, as outlined in Section 302 above, are properly implemented; and
 3. Delegating, where appropriate, duties and responsibilities of the Chief of Police to subordinate personnel when necessary.

304. CREATION OF DEPARTMENT POLICIES AND PROCEDURES

The Department may develop and, subject to approval of the Tribal Council, implement policies, procedures and regulations for internal use and guidance of Department personnel, facilities, equipment, supplies, and other resources to further the objectives of the Department.

305. EFFECTIVE DATE

This Code will take effect immediately upon passage of the implementing Resolution.