

AGREEMENT TO PROVIDE MUTUAL AID LAW ENFORCEMENT SERVICES IN EMERGENCY SITUATIONS.

BETWEEN THE FORT MOJAVE TRIBAL POLICE DEPARTMENT AND THE ARIZONA DEPARTMENT OF PUBLIC SAFETY.

This agreement is made this 2 day of May, 2002 by and between the parties that are the Arizona Department of Public Safety, hereinafter noted as DPS, and the Fort Mojave Tribal Police Department, hereinafter noted as FMTPD.

- A. The DPS is a political subdivision of the State of Arizona.
- B. The Fort Mojave Indian Tribe is a federally recognized Indian Tribe and as such is a sovereign nation. The FMTPD is the recognized police department of the Fort Mojave Indian Tribe.

NOW THEREFORE, in consideration of mutual promises, considerations, terms and provisions contained herein, the parties hereby agree as follows:

- 1. TERM. This agreement shall be effective on the day above, and shall remain in effect until terminated by any of the Parties to the Agreement, after 30 days written notice to the other parties.
- 2. MUTUAL AID IN EMERGENCY SITUATIONS. This agreement shall provide authorization to the Parties to provide mutual aid in emergency law enforcement situations. Emergency situations may be defined as officer involved shootings, serious crimes in progress, prison riots, hazardous materials responses, acts of war, and other emergency situations as dictated by the circumstances. Both parties agree that it is mutually beneficial to share resources in emergency situations.
- 3. AUTHORIZATION: Both parties agree that when emergency assistance is requested by the FMPTD that DPS responding to the request will operate under the direction and authorization of the FMPTD, and that the DPS work on Tribal lands will be restricted to the emergency event. It is understood that when the FMTPD indicates that the assistance is no longer needed that the relationship between the parties shall return to normal status. Further, it is understood that emergency situations oftentimes change rapidly and the DPS has the authority to act as police officers as typically authorized by Arizona Laws and Department policy as that most Tribal Police Officers are certified Arizona Peace Officers and as such are afforded the same police Powers as DPS however, DPS agrees that any non Arizona certified tribal officers will be afforded the same authorization when called to assist in emergency situations.

NO. 25686
 Filed with the Secretary of State
 Date Filed: 12/17/02
Betsy Bayless
 Secretary of State

By: *[Signature]*
 December 10, 2002

4. **ARREST OR OTHER ENFORCEMENT ACTION:** Both parties agree that any arrest or other enforcement action that arise as a result of providing emergency assistance shall be processed through the court of original jurisdiction and that any person/s that have been arrested will be incarcerated in the detention facility for the appropriate jurisdiction. The DPS and the FMTPD agree that any police reports and evidence will be provided to the law enforcement agency with primary jurisdiction.
5. **WORKMEN'S COMPENSATION AND LIABILITY INSURANCE:** The DPS and the FMTPD are responsible for providing Workmen's Compensation and Liability Insurance for their own employees.
6. **RESPECTING THE SOVEREIGNTY OF THE FORT MOJAVE TRIBE:** The DPS recognizes that the Fort Mojave Tribe is a Sovereign Nation and will respect the jurisdiction and rights of the Tribal Government. Further, the DPS agrees that their officers will operate under the direction and supervision of the FMTPD when called upon to assist in emergency situations. Nothing in this agreement is intended nor shall be construed to modify, limit, enlarge or otherwise affect the jurisdictional authority of the parties hereto.
7. **PAYMENTS, FEES OR REIMBURSEMENTS:** Both parties agree that neither party shall request payment, fees or reimbursements for service rendered pursuant to emergency request for assistance unless previous arrangements have been made and agreed to by both parties.
8. **AUTHORIZED SIGNATURES:** This Agreement is executed by the individuals whose names are affixed hereto and they certify to each other that they are authorized to do so.
9. **NOTICES AND MAILING ADDRESSES:** All notices, consents, or other communications required or permitted hereunder shall be deemed sufficient if given in writing addressed and mailed by United States mail, or personally delivered, to all parties as follows:

Ron Fohs, Chief of Police
 Fort Mojave Tribal Police Department
 8494 S. Hwy. 95
 Mohave Valley, Arizona 86440

Ron Fohs

Date 5-3-02

Department of Public Safety
 P.O. Box 6638
 Phoenix, Arizona 85005
 STATE OF ARIZONA

By: *Dennis A. Garrett*

Title Dennis A Garrett, Director

Date OCT 01 2002

By: *Jane Hull*
 Jane Hull
 Governor, State of Arizona

Approved as to Form:

Dennis Carpenter
 Dennis Carpenter
 Attorney General



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

MAIN PHONE : (602) 542-5025
FACSIMILE : (602) 542-4085

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

RECEIVED

SEP 30 2002

DIRECTOR'S OFFICE

A.G. Contract No. KR2-1864-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of any parties, other than the State or its agencies, to enter into this agreement.

DATED this 30th day of September, 2002.

JANET NAPOLITANO
Attorney General

DENNIS D. CARPENTER, JR.
Assistant Attorney General
Transportation Section



FORT MOJAVE TRIBAL POLICE

8494 S. Highway 95 • Mohave Valley, AZ 86440
(928) 346-1521 • Fax (928) 346-1302

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MAY 17 2002

MANAGEMENT SERVICES BUREAU

Ron Fohs
Chief of Police

Gloria Campos
911 Supervisor

5/3/2002

Arizona Department of Public Safety
Phoenix, Arizona

Greetings,

I am pleased to inform you that on May 2nd, 2002, the Fort Mojave Tribal Council approved Tribal Resolution #2002-20.

This Resolution is the Fort Mojave Tribal Council approval of an agreement to provide emergency assistance between the Fort Mojave Tribal Police Department and the Arizona Department of Public Safety.

I sincerely appreciate the assistance of D.P.S. Lt. Ron Delong, Dist. One Commander. Lt. Delong was instrumental in getting this very important project started.

I hope that the D.P.S. will approve this agreement and make it policy as soon as possible. This is a milestone for our police department and is another step taken by the Arizona Department of Public Safety to make this State and this Reservation a safer place to live and work.

Sincerely,

A handwritten signature in cursive script that reads "Ron Fohs".

Ron Fohs
Chief of Police

RESOLUTION

**FORT MOJAVE TRIBE OF THE FORT MOJAVE
RESERVATION OF
ARIZONA, CALIFORNIA AND NEVADA**

WHEREAS, the Fort Mojave Indian Tribe ("Tribe") is organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. §476) and possesses attributes of sovereignty over both its members and its territory; and

WHEREAS, in accordance with its Constitution and Bylaws, the Tribe is governed by the Fort Mojave Tribal Council; and

WHEREAS, the Fort Mojave Tribal Police Department ("FMPD") has requested that the Tribal Council authorize an agreement with the Arizona Department of Public Safety ("DPS") for mutual aid law enforcement services; and

WHEREAS, the Fort Mojave Tribal Council has reviewed, and desires to authorize and approve, that certain instrument entitled "Agreement to Provide Mutual Aid Law Enforcement Services In Emergency Situations" between the FMPD and DPS.

NOW, THEREFORE, BE IT RESOLVED, that the Fort Mojave Tribal Council does hereby authorize and approve that certain "Agreement To Provide Mutual Aid Law Enforcement Services In Emergency Situations," the form of which is attached hereto and incorporated herein by reference, by and between the Fort Mojave Tribal Police Department and the Arizona Department of Public Safety.

BE IT FURTHER RESOLVED, that the Fort Mojave Tribal Police Chief is authorized to execute and deliver said Agreement on behalf of the Fort Mojave Tribal Police Department.

BE IT FURTHER RESOLVED, that the Chairperson of the Fort Mojave Tribal Council is authorized to take such actions on behalf of the Tribe as are necessary to fulfill the intent of this Resolution.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Fort Mojave Tribal Council, governing body of the Fort Mojave Indian Tribe, do hereby certify

that the Fort Mojave Tribal Council is composed of seven (7) members, of whom four (4) constituting a quorum were present at a meeting duly held on May 2, 2002, and that the foregoing Resolution was adopted by the affirmative vote of 4 members for and 0 members against.

FORT MOJAVE TRIBAL COUNCIL

Nora Helton
Foh Nora Helton, Chairperson

Elroy Jackson
Elroy Jackson, Secretary