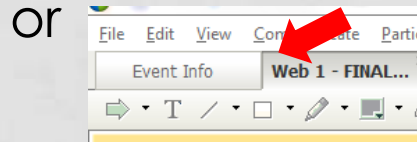
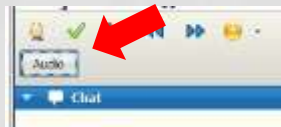


# ENHANCING COOPERATION: TRIBAL-STATE PUBLIC SAFETY AGREEMENTS

March 26<sup>th</sup> 3-4:30PM ET

**You have logged on successfully and we will begin shortly**

- All participants have been muted
- This webinar is being recorded for future playback
- This webinar is being audio cast, if you would like to call in please refer to



- Slides from this session will be available on  
(<http://tloa.ncai.org/>),  
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# CHAT FEATURE

Please remember to select  
“**Host and Presenter**”

Questions submitted through chat will be answered at the end of the web training and sent to all participants.

Type here!

A screenshot of a chat window interface. The window has a blue header with a dropdown arrow and a speech bubble icon, and the word 'Chat'. The main area is a large white text box. Below this is a grey bar containing a 'Send to:' label, a dropdown menu with 'Host & Presenter' selected, and a small dropdown arrow. Below the grey bar is a white text input field with the placeholder text 'Place Questions Here' and a 'Send' button to its right. At the bottom of the window is a blue footer with a dropdown arrow, a question mark icon, and the text 'Q&A'.

# **SPEAKERS**

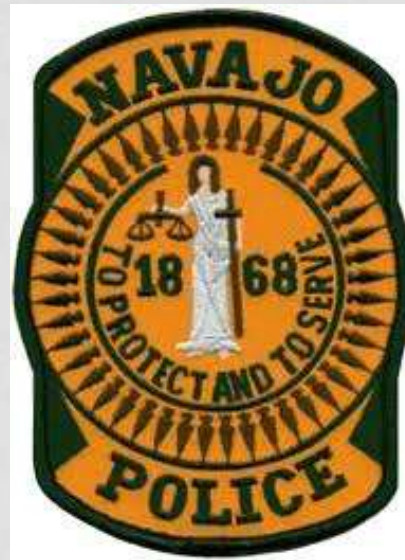
## **Moderator**

Cabell Cropper, Executive Director  
National Criminal Justice Association

## **Presenters**

Regina Holyan, J.D., Ph.D., Principal Attorney  
Navajo Nation Department of Justice (NNDOJ)

Major Larry Scarber, Southern Patrol Bureau  
Commander Arizona Department of Public Safety  
(DPS)



# Cross-Commission & Law Enforcement Agreements between Navajo Nation and States/Counties

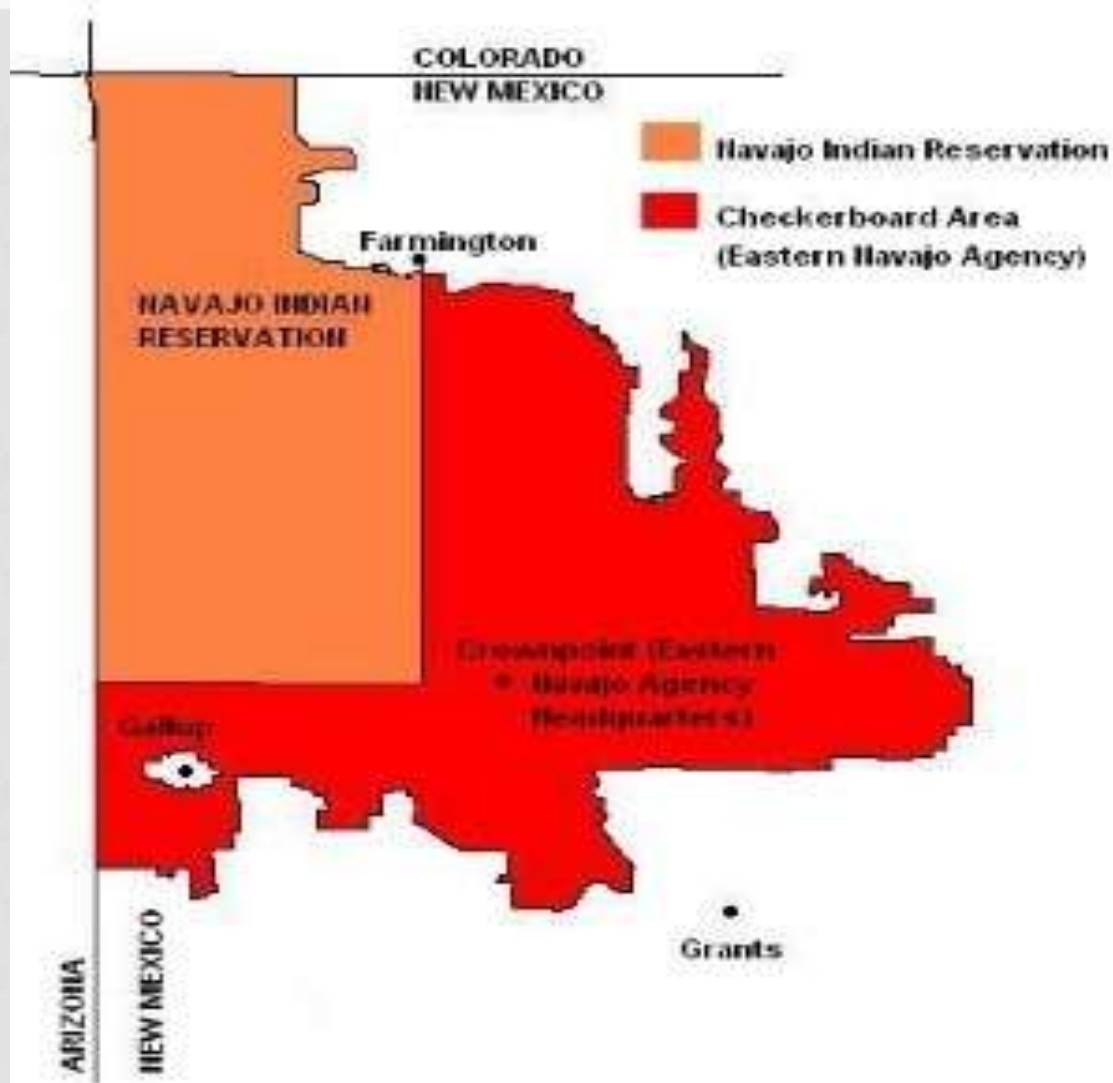
WEBINAR—MARCH 2013

Regina Holyan, J.D., Ph.D., Navajo Nation Department of Justice

# NAVAJO NATION TERRITORY OVERLAPS WITH THREE STATES



# NEW MEXICO CHECKERBOARD AREA IN 4 COUNTIES



## FACTORS CONTRIBUTING TO ENTERING INTO AGREEMENTS WITH NAVAJO NATION

- Border Towns contiguous to Navajo Reservation result in continuous traffic between the two.
- State, local, BIA and tribal roads run through Navajo Reservation.
- Neither Navajo Nation or state/county waives its sovereign immunity when making these agreements.
- Increased criminal activities such as drug smuggling, sexual assaults, domestic violence.
- Navajo Nation Council's Law & Order Committee regularly consults with state and county law enforcement agencies.

## AGREEMENTS W/NAVAJO NATION: CROSS-COMMISSION & LAW ENFORCEMENT

- Pending—Cibola County, New Mexico
- 2013—San Juan County, Utah
- 2013—Navajo County, Arizona
- 2012—New Mexico Department of Public Safety
- 2011—Arizona Department of Public Safety
- 2009—Socorro County, New Mexico
- 2007—McKinley County, New Mexico
- 2004—Apache County, Arizona
- 1981—New Mexico Department of Public Safety  
(superseded by 2012 Agreement)



# AUTHORITY TO ENTER INTO AGREEMENTS

- Governments have inherent authority to grant law enforcement commissions to their peace officers.
  - For Navajo Nation, 2 N.N.C. §§ 1351 *et seq.*
  - For New Mexico, NMSA §§ 29-2-1 *et seq.*
  - For Arizona, ARS § 41-1822
- Governments may authorize the granting of law enforcement commissions to peace officers of other government agencies.
  - For Navajo Nation, 17 N.N.C. § 102.
  - For New Mexico, NMCA § 29-1-11
  - For Arizona, A.R.S. § 13-3874

# TWO TYPES OF AGREEMENTS

- Cross Commission Agreements—New Mexico, Utah
  - Each government agency grants commissions to peace officers of the other agency
  - Example: New Mexico Department of Public Safety (DPS) commissions Navajo officers to enforce New Mexico traffic and criminal laws and NDPS grants New Mexico officers commissions to enforce Navajo traffic and criminal laws.
- Law Enforcement Agreements—Arizona
  - By statute, Arizona grants to Indian tribal officers who meet Arizona training standards all law enforcement powers of Arizona peace officers
  - By agreement, Navajo Nation grants commissions to Arizona peace officers to enforce Navajo traffic and criminal laws.

# SELECTED PROVISIONS

- Territorial Application—describe territory to which commissions will apply
- Requirements—set out what is required in order for a peace officer to be commissioned
- Procedures—for arrests, custody, traffic citations, court appearances
- Supervision and control of officers when acting pursuant to the agreement
- Each government agency to be responsible for own liability
- No waiver of sovereign immunity by either government agency

# PROCESS TO ENTER INTO AGREEMENTS

- Either NPD or state/county will express its desire to enter into an agreement.
- NNDOJ advises NPD re: MOAs.
- NNDOJ will have NPD review the proposed MOA.
- NNDOJ will send proposed MOA to state/county for its review.
- Any questions and concerns will be worked out among state/county, NPD and NNDOJ.
- State/county and NPD will each process final MOA through its review and approval system.
- Training will be conducted by NNDOJ and NPD.
- Commissions will be granted.

# THANK YOU

## Presenter Contact Info

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# LAW ENFORCEMENT COLLABORATION STRATEGIES

NCAI & NCJA WEBINAR – MARCH 2013

Major Larry Scarber, Arizona Department of Public Safety

WHY  
COLLABORATE?

“It is unconscionable that crime rates in Indian Country are more than twice the national average and up to twenty times the national average on some reservations.”

- President Barack Obama – July 29<sup>th</sup> 2010  
(upon signing of the Tribal Law and Order Act )



# TLOA

The Tribal Law and Order Act is a mandate to federal agencies to improve their support of tribal law enforcement efforts.

It does not compel states, counties or municipalities to act.

“State and local law enforcement fit together, but historically Tribal law enforcement is seen as different due to lack of recognition by some of its sister agencies at the state and local level.”

- Mr. Joseph LaPorte, at the ILOA  
Commission Hearing, June 14, 2012

“Tribal, federal, state and local law enforcement agencies should pursue cross-jurisdictional cooperation whenever and however it is possible.”

- 2001 Indian Country Summit of the International Association of Chiefs of Police

# WHY COLLABORATE?

- Staffing levels
- Budget reductions
- Homeland security issues
- Limited training resources

# OBSTACLES TO COLLABORATION

- Distrust
- Lack of understanding
- Prejudice
- Limited resources
- Prior bad experiences
- Impatience

# COMMON DENOMINATORS OF SUCCESSFUL COLLABORATIONS

- Recognized need
- Beneficial to all parties
- Driven by both (all) sides
- Solved “small” problems
- Barriers to cooperation were broken down; trust was established

# SUCCESSFUL COLLABORATIONS

- Arizona P.O.S.T. telecourse on Indian Policing
- Arizona Fusion Center Tribal Liaison Officer Course and tribal representation at the ACTIC
- Annual Statewide Gang Enforcement Conference

# SUCCESSFUL COLLABORATIONS

- Fort McDowell Yavapai Nation Police /Arizona DPS MOU
- Navajo Nation Police/Arizona DPS MOU
- FBI Safe Trails Task Forces
- Tribal Police entry into AZ Public Safety Retirement



# BEST PRACTICES

- Written agreements – MOA, MOU, IGA
- Cross Deputization
- Tribal Commissions
- BIA Special LE Commissions

# BEST PRACTICES

- Joint training
- Joint enforcement
- Encourage informal ties
- Involvement in professional associations

# BEST PRACTICES: EXPANDING COLLABORATION

- Prosecutors and the Courts
- Public Health Services
- Social Services
- Other Service Providers
- Common Causes (Emergency Response Plans)

# BEST PRACTICES – WEB RESOURCES

- [www.ncai.org](http://www.ncai.org)
- [www.ncja.org](http://www.ncja.org)
- [www.bja.gov](http://www.bja.gov)
- [www.theiacp.org](http://www.theiacp.org)
- [www.ncsl.org](http://www.ncsl.org)
- [www.tribal-institute.org](http://www.tribal-institute.org)
- [www.usdoj.gov/tribal](http://www.usdoj.gov/tribal)

# BEST PRACTICES

Act **Now** Within Your  
Own Area of  
Influence

# THANK YOU

## Presenter Contact Info

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# MODERATED Q & A

## **Moderator**

Cabell Cropper, Executive Director  
National Criminal Justice Association

## **Presenters**

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Navajo Nation Department of Justice (NNDOJ)

Larry Scarber, Southern Patrol Bureau Commander  
Arizona Department of Public Safety (DPS)

Paul Spruhan, Assistant Attorney General  
Navajo Nation Department of Justice (NNDOJ)

# PLEASE GIVE US YOUR FEEDBACK

- Excellent
- Very good
- Good
- Average
- Poor

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