

HOOPA VALLEY TRIBE
HOOPA VALLEY INDIAN RESERVATION

TITLE 77

HOOPA VALLEY TRIBAL LAW ENFORCEMENT AUTHORITY
ORDINANCE

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TITLE 77

DATE APPROVED: AUGUST 23, 2023

SECTION 1.0 – TITLE AND SHORT TITLE

- 1.1 This Ordinance shall be known as the “Hoopa Valley Tribal Law Enforcement Authority Ordinance” and may be cited and referred to as the “Tribal Police Authority.”

SECTION 2.0 – PURPOSE AND STATUTORY AUTHORIZATION

2.1 **Purpose.** The purpose of this Tribal Police Authority Ordinance is to reaffirm the establishment of the Hoopa Valley Tribal Law Enforcement Department (also referred to as the “Hoopa Police Department”); describe key powers and authorities of the Hoopa Police Department; and maintain a fair, impartial, and effective law enforcement system on the Hoopa Valley Reservation.

2.2 **Intent.** It is the intent of this Tribal Police Authority Ordinance to promote and protect the public health, safety, peace, and general welfare of the Hoopa Valley Tribe and Hoopa Valley Indian Reservation residents.

2.3 **Authority.**

2.3.1 The Hoopa Valley Tribe on June 20, 1972, adopted the Hoopa Valley Tribe, Hoopa Valley Indian Reservation Constitution and Bylaws (“Constitution”) which was approved by the Commissioner of Indian Affairs on August 18, 1972, and ratified by Act of Congress on October 31, 1988 (25 U.S.C. § 1300i *et seq.*). The Hoopa Valley Tribe (“Tribe”) is a federally recognized Indian tribe with the inherent sovereignty to make its own laws and be governed by them.

2.3.1.1 The Tribal Council has the authority to safeguard and promote the peace, safety, morals, and general welfare of the members of the Hoopa Valley Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and to provide for the enactment and enforcement of the laws of the Tribe pursuant to the Hoopa Valley Tribe Constitution and Bylaws, Article IX, Section 1(l) and (k). Pursuant to Article IX, Section 1(e) of the Constitution, the Tribal Council is vested with the authority to enforce the protection of Tribal property, wildlife and natural resources of the Tribe.

- 2.2.3 By Federal law and the Tribe's Constitution and Tribal law, the inherent sovereign authority of the Tribe over the matters described herein is delegated to the Hoopa Valley Tribal Council ("Tribal Council"), as the governing body of the Tribe. This authority includes the authority to establish a Law Enforcement Department (also referred to as the "Hoopa Valley Police Department") and to provide for laws and procedures governing its operation, and the selection of a Chief of Police.

SECTION 3.0 – FINDINGS

- 3.1 The State of California is commonly referred to as a mandatory Public Law 83-280 (Pub. L. 280) state. Pub. L. 280 did not divest the Tribe of its inherent sovereign authority to establish laws and to enforce those laws on the Hoopa Valley Indian Reservation, establish a Tribal Court, and have Tribal law enforcement.
- 3.2 Consistent with the principles of sovereignty and self-governance of the Hoopa Valley Tribe, the Tribe exercises authority over issues of public safety within the exterior boundaries of the Hoopa Valley Indian Reservation and land within the Tribe's jurisdiction.
- 3.3 The Tribal Security Program was established May 1981, and beginning January 1, 1983, the Hoopa Valley Tribe's governing body assumed financial responsibility for the Tribal Security Program.

SECTION 4.0 – DEFINITIONS

- (A) **"Chief"** or **"Chief of Police"** or **"Police Chief"** means the Chief of the Hoopa Valley Tribal Law Enforcement Department.
- (B) **"Cross-deputization"** means that Officers have been cross-deputized by California law enforcement agencies and are authorized to enforce Tribal and California laws.
- (C) **"Department"** means the Hoopa Valley Tribal Law Enforcement Department.
- (D) **"Firearm"** means any device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of any explosion or other combustion.
- (E) **"Hoopa Valley Tribal Law Enforcement Department"** is used interchangeably with the Hoopa Valley Police Department.
- (F) **"Hoopa Valley Tribal Law Enforcement Policy Manual"** or **"Tribal Police Policy Manual"** is a policies and procedures manual that is periodically updated throughout the year to remain current and compliant with Tribal, Federal, and State laws.

- (G) **“Special Law Enforcement Commission (SLEC)”** means that an Officer is certified by the Bureau of Indian Affairs as a Special Law Enforcement Commissioned Officer and can enforce Tribal and Federal laws.
- (H) **“Tribal Council”** means the Hoopa Valley Tribal Council.
- (I) **“Tribal Court”** means the Hoopa Valley Tribal Court.
- (J) **“Tribal Police”** means the Hoopa Valley Tribal Law Enforcement Officers.
- (K) **“Tribal Police Officer”** or **“Officer”** means all sworn members of the Hoopa Valley Tribal Law Enforcement Department are referred to herein as Tribal Police Officers or Officers, including those who are not deputized by the Humboldt County Sheriff’s Office or the federal Special Law Enforcement Commission (SLEC).
- (L) **“Tribe”** means the Hoopa Valley Tribe.
- (M) **“Reservation”** means all lands and waters within the exterior boundaries of the Hoopa Valley Indian Reservation and to such other lands as may hereafter be acquired by or for the Tribe.

SECTION 5.0 – JURISDICTION

- 5.1 The Tribe’s jurisdiction extends to all lands within the exterior boundaries of the Reservation—as established by Executive Order of June 23, 1876—and to such other lands as may hereafter be acquired by or for the Tribe.
- 5.2 The Hoopa Valley Tribe has jurisdiction over persons, corporations and other legal entities to the full extent authorized by its Constitution and Bylaws and by Federal law.
- 5.3 Tribal Police Officers have the authority to enforce Tribal laws as provided in the Hoopa Valley Tribal Code (“HVTC”), Hoopa Valley Tribal Court orders, Tribal Council Resolutions, or as directed by the Hoopa Valley Tribal Court. This authority is derived from the inherent sovereignty of the Hoopa Valley Tribe and the powers delegated to the Tribal Council by the Constitution and Bylaws of the Hoopa Valley Tribe.

SECTION 6.0 – ORGANIZATION AND RESPONSIBILITIES OF THE HOOPA VALLEY LAW ENFORCEMENT DEPARTMENT

- 6.1 The structure of the Hoopa Valley Tribal Police Department is explicitly identified and explained within the Hoopa Valley Tribal Police Department Policy Manual.

- 6.2 **Chief of Police.** The Chief of Police is the Manager of the Hoopa Valley Tribal Police

Department.

6.3 Duties of the Chief of Police. The duties of the Chief of Police shall be as follows:

- 6.3.1 To be responsible for the proper and efficient enforcement of all law for which he/she has been given authority, and to be responsible for all Tribal Police functions and operations within the jurisdiction of the Tribe;
- 6.3.2 To be in command of the Department, all Officers, and Department employees;
- 6.3.3 To be responsible for the efficient service and discipline of the Tribal Police Officers and other persons under his/her supervision;
- 6.3.4 To thoroughly investigate all complaints filed by any Tribal citizen or Reservation resident against any personnel under his/her supervision including a written report of such complaint and the investigative action including his/her findings shall be made to the Tribal Council;
- 6.3.5 To notify the Tribal Council in writing of any case of misconduct or neglect of duty on the part of Officers or Department staff and recommend the personnel action to be taken in accordance with applicable laws and policies;
- 6.3.6 To be responsible to the Tribal Council and to administer the duties of the Police Chief in the manner required by the Tribal Council;
- 6.3.7 To coordinate investigative functions with state, county, or other applicable law enforcement officers and officials, special officers, and other federal officials whenever appropriate in promoting law enforcement on the Reservation;
- 6.3.8 To develop and maintain a Tribal Police Policy Manual;
- 6.3.9 To follow the responsibilities and duties outlined in the Tribal Police Policy Manual; and
- 6.3.10 To perform other such law enforcement related activities and duties as the Tribal Council shall direct.

6.4 Tribal Police Officers. The Chief of Police shall hire Tribal Police Officers. The Officers shall abide by the terms and conditions of employment and the duties and responsibilities provided in the Tribal Police Policy Manual.

6.5 Duties of Tribal Police Officers. The duties of a Tribal Police Officer include but are not limited to:

- 6.5.1 Promptly following directives of the Chief of Police or the ranking Officer;
- 6.5.2 To lend assistance to other Officers;
- 6.5.3 Report and investigate all violations of law or regulation that comes to the attention of the Law Enforcement Department;
- 6.5.4 To prevent a violation of Tribal law, when possible, and uphold the laws of the Tribe;
- 6.5.5 To be diligently be informed of and keep current all applicable and necessary laws and regulations; and
- 6.5.6 To diligently and faithfully serve and protect the Tribal community.

SECTION 7.0 – POWER OF THE HOOPA VALLEY LAW ENFORCEMENT DEPARTMENT

- 7.1 The Chief of Police of the Hoopa Police Department, acting in accordance with the Department's Police Policy Manual, may charge employees of the Hoopa Police Department with law enforcement responsibilities and may authorize those Tribal Police Officers to:
 - 7.1.1 Carry firearms;
 - 7.1.2 Execute or serve warrants, summonses, or other orders issued under the laws of:
 - (a) The United States (including those issued by a Court of Indian Offenses or offenses processed by the Central Violations Bureau);
 - (b) The State of California or a county thereof; or
 - (c) The Hoopa Valley Tribe.
 - 7.1.3 Offer and pay a reward for services or information, including assisting in the detection or investigation of the commission of an offense committed on the Hoopa Valley Reservation or in the arrest of an offender;
 - 7.1.4 Make inquiries of any person, and administer to, or take from, any person an oath, affirmation, or affidavit, concerning any matter relevant to the enforcement or carrying out of a law of the Hoopa Valley Tribe, or applicable Federal or State law, or that has authorized the employee to enforce or carry out such laws;
 - 7.1.5 Wear a prescribed uniform and badge or carry prescribed credentials;
 - 7.1.6 Perform any other law enforcement related duties; and

- 7.1.7 When requested or authorized, assist (with or without reimbursement) any Tribal, Federal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.

7.2 Power of Detention and Arrest

- 7.2.1 As recognized by the decisions of the United States Supreme Court, and in accordance with the Tribal Police Policy Manual, a Tribal Police Officer possesses the authority to search and temporarily detain any person located within the Hoopa Valley Reservation that the Tribal Officer reasonably believes may commit or has committed a violation of Tribal law, or if applicable Federal or State law, so that the suspect may be promptly turned over to the proper authorities.
- 7.2.2 In accordance with the Tribal Police Policy Manual and any Memorandum of Understanding or Joint Powers Agreement and applicable Tribal, Federal, and State laws, Tribal Police Officers may initiate a detention of a person when there is an articulable, reasonable suspicion of a need to do so, and in accordance with the Tribal Police Policy Manual. A person, however, should not be detained longer than is reasonably necessary to resolve the Tribal Police Officer's suspicions.
- 7.2.3 In accordance with the Tribal Police Policy Manual and any Memorandum of Understanding or Joint Powers Agreement and applicable Tribal, Federal, and State laws, Tribal Police Officers may detain a suspect until the appropriate agency can assume custody of the individual.
- 7.2.4 In accordance with the Tribal Police Policy Manual and any Memorandum of Understanding or Joint Powers Agreement and applicable Tribal, Federal, and State laws, if another agency cannot respond to the Tribal Police Officer's location and the Tribal Police Officer may secure the suspect and complete any investigation before transporting the suspect to the appropriate agency.
- 7.2.5 In accordance with the Tribal Police Policy Manual and any Memorandum of Understanding or Joint Powers Agreement and applicable Tribal, Federal, and State laws, if weather or other circumstances beyond the control of the Tribal Police Officer prohibits immediate transportation of the suspect, the Officer may detain the suspect in a Tribal detention facility, once established, but only after the other agency has been notified and only until it is safe for the other agency to retrieve the suspect or transport the suspect to the other agency.

- 7.2.6 In accordance with the Tribal Police Policy Manual and any Memorandum of Understanding or Joint Powers Agreement and applicable Tribal, Federal, and State laws, Tribal Police Officers may temporarily detain, convey to headquarters, and cite and release those individuals that Tribal Police Officers reasonably believe have violated any provisions of Tribal law or Hoopa Valley Tribal Court orders, or applicable Federal or State law, of which enforcement by the Hoopa Police Department is permitted under the Hoopa Valley Tribal Code.
- 7.2.7 Certain Tribal Police Officers may carry out an arrest or detention as authorized by and pursuant to a Deputization Agreement with the United States, Department of the Interior, Bureau of Indian Affairs, Office of Justice Services, or agreement with Humboldt County.

SECTION 8.0 – DEPUTIZATION AGREEMENT

Certain authority may be granted to a Tribal Police Officer by and through a valid Deputization Agreement. The Hoopa Valley Tribe may enter into a Deputization Agreement by and between the Hoopa Valley Tribe and the Humboldt County Sheriff, County of Humboldt, California. The Hoopa Valley Tribe may enter into a Deputization Agreement by and between the Hoopa Valley Tribe and the Bureau of Indian Affairs.

SECTION 9.0 – HOOPA VALLEY LAW ENFORCEMENT POLICY MANUAL

- 9.1 The Hoopa Valley Tribal Law Enforcement Department has developed a Tribal Police Policy Manual to regulate the Department, its officers, and its employees.
- 9.2 This Tribal Police Policy Manual shall be maintained and updated as needed by the Chief of Police. It is the responsibility of the Chief of Police to ensure the Tribal Police Policy Manual is kept current.
- 9.3 Members of the Police Department shall carefully review, practice, and enforce the provisions of the Tribal Policy Manual.

SECTION 10.0 – AMENDMENTS

This Ordinance may be amended according to the Hoopa Valley Legislative Procedures Act.

SECTION 11.0 – SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of the provision to persons or circumstances other than those as to which is held invalid, shall not be affected thereby, and to this end the provisions of this Ordinance are severable.

SECTION 12.0 – SOVEREIGN IMMUNITY

As agents of the Hoopa Valley Tribe, Chief of Police, Tribal Officers, and Police Department staff acting pursuant to this Ordinance shall enjoy the full benefits of the Tribe's sovereign immunity, and any and all attributes of sovereignty enjoyed by the Hoopa Valley Tribe. Such Officers and agents shall have no authority to waive the Tribe's sovereign immunity.

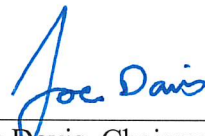
SECTION 13.0 – EFFECTIVE DATE

This Ordinance shall take effect and be enforced immediately from and after its approval by the Hoopa Valley Tribal Council.

CERTIFICATION


I, the undersigned, as Chairman of the Hoopa Valley Tribal Council, do hereby certify that the Hoopa Valley Tribal Council is composed of eight (8) members, of which seven (7) were present, constituting a quorum at a Regular Meeting thereof; duly and regularly called, noticed, convened and held this 23rd day of August 2023; and that this Ordinance was duly adopted by a vote of five (5) in favor with one (1) opposed and zero (0) abstaining, and that said Ordinance has not been rescinded or amended in any way.

Dated this twenty-third day of August 2023.



Joe Davis, Chairman
Hoopa Valley Tribal Council

ATTEST:



Amber Turner, Executive Secretary
Hoopa Valley Tribal Council