



## **3900 INDIAN COUNTRY** (Revised February 7, 2024)

### **3910 BACKGROUND**

The term Indian country is a legal term used to describe land located within the boundaries of a federally recognized Indian reservation. Land held by the federal government in trust for an Indian tribe, even if geographically located outside of a reservation, is also considered part of Indian country.

Three sovereign jurisdictions of government exist in the United States: the federal government, the states, and the Indian tribes. Federally recognized Indian tribes in the United States possess inherent rights of self-government. Some tribes may have a constitution that establishes and defines the tribe's police power. Many tribes have their own police agencies, which may have authority and arrest powers at a tribal, state, and federal level. Members of these agencies may have the authority to submit cases to tribal, state, and federal prosecutors, depending on the legal authority the tribal police agency possesses.

The Tohono O'odham Nation and the Pascua Yaqui Tribe, the two federally recognized tribes in the Tucson area, have full-service police departments staffed with AZPOST certified officers. While Tohono O'odham and Pascua Yaqui police provide primary law enforcement services within their respective reservation boundaries, Tucson Police Department officers are authorized by A.R.S. §§ 13-3871 and 13-3881 to arrest individuals who are not members of a tribe for crimes committed in Indian country anywhere in Arizona. TPD also provides primary law enforcement services to designated trust lands in "Old Pascua," located in Operations Division West.

Many tribal governments have mutual-aid agreements, intergovernmental agreements, memoranda of understanding, or memoranda of agreement with state and local law enforcement agencies that outline how the tribal government will interact with police. To determine the status of any mutual aid agreement between the Tucson Police Department and a tribe, please contact the Legal Advisors' Office.

### **3920 TRAINING**

All sworn personnel will receive training on Indian country jurisdiction upon initial hire and will complete a refresher course at least every three (3) years. The training must include specific information about tribal sovereignty, Indian country jurisdiction, jurisdictional boundaries, governments, constitutions, courts, police, authority, operations, and powers. Personnel will also receive training specific to law enforcement in the Old Pascua community.

### **3930 TRIBAL COURT WARRANTS**

Many tribal governments, including the Tohono O'odham Nation and the Pascua Yaqui Tribe, have courts that issue arrest warrants and search warrants initiated by tribal police that have the authority and arrest powers to arrest and serve those warrants. TPD sworn personnel may also initiate warrants in Pascua Yaqui Tribal Court for crimes committed in designated Old Pascua trust land. Tribal police agencies have the authority to enter tribal court warrants into Arizona Criminal Justice Information System (ACJIS) and Criminal Justice Information System (CJIS)



systems, National Crime Information Center (NCIC), and Arizona Crime Information Center (ACIC) computer systems.

### **3940 OTHER TRIBAL COURT ORDERS**

Many tribal governments, including the Tohono O'odham Nation and the Pascua Yaqui Tribe, have courts that issue orders, which include, but are not limited to: Restraining Orders, Emergency Orders of Protection, and Orders of Protection under the Tribal Law and Order Act and federal code. Pursuant to A.R.S. § 13-3602(V)(2), such orders will be accorded full faith and credit and enforced as if they were issued in Arizona for as long as the orders are effective in the issuing jurisdiction.

### **3950 INDIAN COUNTRY INFORMATION SHARING SYSTEMS**

Many tribal governments with their own police agencies may belong to a fusion center, assign staff to a fusion center, and/or participate in or with other information sharing networks or systems.

### **3960 INDIAN COUNTRY CRIMINAL JUSTICE INFORMATION SYSTEMS AND PUBLIC SAFETY ACCESS POINTS**

Many tribal governments, through their own police agencies, have CJIS portal and Public Safety Access Point (PSAP) communication centers and operate their own Sex Offender Registration and Notification System (SORNA) that provide data to the National Sex Offender Registration System (NSORS).

### **3970 INTERSTATE DOMESTIC VIOLENCE IN INDIAN COUNTRY**

Persons who enter or leave Indian country and commit crimes found under 18 U.S. Code Chapter 110A Domestic Violence and Stalking, § 2261, Interstate Domestic Violence, and § 2261(A), Stalking, are subject to federal prosecution.

### **3980 EXTRADITION**

Many tribal governments have extradition processes from Indian country jurisdiction to state jurisdiction and from state jurisdiction to Indian country jurisdiction. The Tohono O'odham Nation and the Pascua Yaqui Tribe have these extradition processes in place. Extraditions and warrants can be entered by the tribal police department into the Arizona Criminal ACJIS, CJIS, NCIS and ACIS computer systems.

### **3990 EXCLUSION**

Many tribal governments have exclusion processes from Indian country jurisdiction of persons whose presence is detrimental to the peace, health, or morals of their community or who violate the laws of their community. Eligible, trained, and qualified Indian country jurisdiction police departments may also arrest or cite and release such offenders or violators through the federal court system utilizing the Central Violations Bureau (CVB) citation process.