



ACT ESTABLISHING

DEPARTMENT OF PUBLIC SAFETY AUTHORITY

BE IT ENACTED BY THE BEAR RIVER TRIBAL COUNCIL

SECTION 1.0 – STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power of the Bear River Band of the Rohnerville Rancheria is vested with the Bear River Tribal Council. The Bear River Tribal Council has the authority to safeguard and promote the peace, safety, morals and general welfare of the members of the Bear River Band 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. This authority includes the authority to establish a Public Safety Department and to provide for laws and procedures governing its operation, and the selection of a Chief of Public Safety.

SECTION 2.0 – PURPOSE AND SCOPE

The purpose of this Chapter is to create a fair and impartial law enforcement system to interpret and apply the laws and Constitution of the Bear River Band of the Rohnerville Rancheria.

SECTION 3.0 - JURISDICTION

- (1) Criminal jurisdiction: California is a Public Law 280 State. The State of California and the United States of America shall have criminal jurisdiction over all persons including any Bear River Tribal member, American or Canadian Indian, or Alaskan or Hawaiian Native on Bear River lands and accused of the commission of a criminal offense as defined under the California Penal Code or the Major Crimes Act.
- (2) Civil jurisdiction: The Department of Public Safety shall have authority to enforce all Tribal Court orders, matters and/or controversies arising under the Bear River Tribal Constitution and the laws, ordinances, regulations, and customs of the Tribe. The Tribe shall have jurisdiction over all Indians, without regard to where they may be found in cases in which the Tribe has subject matter jurisdiction, and over non-Indians, corporations and other legal entities in cases authorized by Bear River Tribal Laws or other Tribal Council resolutions.

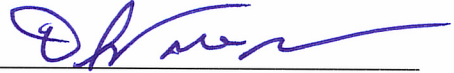
SECTION 4.0 - POWER OF THE DEPARTMENT OF PUBLIC SAFETY

- (1) The Chief of Bear River Band of the Rohnerville Rancheria Public Safety may charge employees of the Public Safety Department with law enforcement responsibilities and may authorize those employees to:
 - (a) Carry firearms;
 - (b) Execute or serve warrants, summonses, or other orders relating to a crime committed in Bear River Band of the Rohnerville Rancheria and issued under the laws of:
 - (i) The United States (including those issued by a Court of Indian Offenses or offenses processed by the Central Violations Bureau); or
 - (ii) Bear River Band of the Rohnerville Rancheria;
 - (c) Offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed on the Rancheria or in the arrest of an offender against the United States;
 - (d) 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 in Bear River Band of Rohnerville Rancheria of a law of either the United States or the Bear River Band of the Rohnerville Rancheria that has authorized the employee to enforce or carry out tribal laws;
 - (e) Wear a prescribed uniform and badge or carry prescribed credentials;
 - (f) Perform any other law enforcement related duties; and
 - (g) When requested, assist (with or without reimbursement) any Federal, tribal, State, or local law enforcement agency in the enforcement or carrying out of the laws or regulations the agency enforces or administers.
- (2) Power of arrest and detention:
 - (a) An employee may initiate a detention of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the employee's suspicions.
 - (b) If the suspect is not subject to the jurisdiction of the Tribe and the employee witnessed the suspect engage in a violation of the law or the officer has reason to believe the suspect has engaged in a violation of the law, the employee will notify the appropriate agency with jurisdiction:
 - (i) The employees may detain the suspect until the appropriate agency can assume custody of the individual;
 - (ii) If another agency cannot respond to the employee's location, the employee will secure the suspect and complete any investigation before transporting the suspect to the appropriate agency;
 - (iii) If weather or other circumstances beyond the control of the employee prohibit immediate transportation of the suspect, the employee may detain the suspect in a tribal detention facility, but only after the other agency has been notified and only until it is safe for the other agency to retrieve the suspect or a employee to transport the suspect to the other agency;
 - (iv) Although employees may stop and/or detain anyone within the lands of the Bear River Band of the Rohnerville Rancheria, those employees may not effectuate an arrest of an individual without jurisdiction, unless a deputation agreement or other authority grants the employees jurisdiction.
 - (c) Make an arrest as authorized by a Deputation Agreement with the United States, Department of the Interior, Bureau of Indian Affairs, Office of Justice Services.

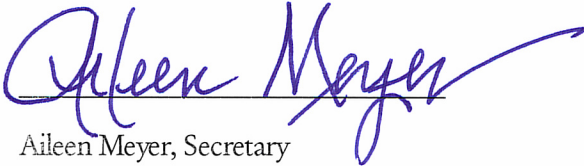
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This will certify that the foregoing act was considered at a meeting of the Tribal Council of the Bear River Band of Rohnerville Rancheria called and held on the 13th day of February, 2018, and was adopted by a vote of 5 For, 0 Against, 0 Abstentions and 2 Absent. I hereby certify that this BEAR RIVER BAND OF ROHNERVILLE RANCHERIA Act Establishing the Department of Public Safety Authority is now in effect.

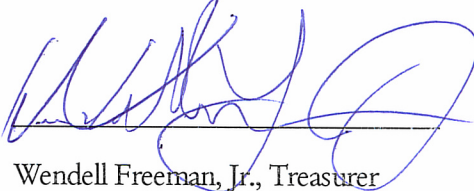
Barry Brenard, Chairman



Dakota McGinnis, Vice Chairman



Aileen Meyer, Secretary



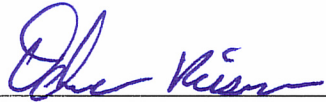
Wendell Freeman, Jr., Treasurer



John McGinnis, Member at Large



Edwin Smith, Member at Large



Delmer Keisner, Member at Large