INTERGOVERNMENTAL AGREEMENT BETWEEN THE PASCUA YAQUI TRIBE OF ARIZONA AND PIMA COUNTY

This AGREEMENT is entered into between Pima County (hereinafter "County"), a political subdivision of the State of Arizona, the Pima County Sheriff's Department, (hereinafter "Sheriff"), and the Pascua Yaqui Tribe of Arizona (hereinafter "Tribe"), a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. § 476, governed by the Tribal Council of the Pascua Yaqui Tribe of Arizona as provided by Article VI §§ 1 (a) and (t) of the Constitution of the Pascua Yaqui Tribe.

I. RECITALS

WHEREAS, the Pascua Yaqui Indian Reservation (hereinafter "Reservation") is surrounded by Pima County, Arizona; and

WHEREAS, applicable law provides that the Tribe has certain powers of governance over tribal members, non-members of the Tribe (including non-Indians) when on the Reservation, and certain lands under tribal and/or federal jurisdiction located within the exterior boundaries of the Tribe's Indian country; and

WHEREAS, the Pascua Yaqui Tribal government has inherent jurisdiction over all Indians within its reservation, pursuant to Pascua Yaqui Tribal Code (hereinafter "PYTC") 3 PYTC §1-1-20 (as amended through December 18, 2013); and

WHEREAS, except as limited by federal or Tribal law, the jurisdiction of the Tribe's courts shall extend to (a) all persons natural and legal of any kind and to (2) all subject matter, which now and in the future, are permitted to be within the jurisdiction of any Tribal Court of any Indian tribe recognized by the United States of America, pursuant to 3 PYTC §1-1-20 (as amended through December 18, 2013); and

WHEREAS, the Tribe and the County hereby agree to mutually enforce the Protection Orders, Extradition Orders, or other court orders issued by their respective courts; and

WHEREAS, the Tribe's peace officers are certified Peace Officer Standards in Training (hereinafter "POST") and have Special Law Enforcement Commission (hereinafter "SLEC") status under federal law and are authorized to act as general authority Arizona peace officers under certain conditions, thereby giving Tribal peace officers the same

powers as any other general authority Arizona peace officer to enforce state laws in Arizona, including the power to make arrests for violations of state laws and book persons in County jail; and

WHEREAS, a peace officer who is entitled to enforce the laws of the Tribe may enforce the terms and provisions of a qualifying court order within the Pascua Yaqui Indian Reservation, pursuant to 4 PYTC §3-70 (as amended through February 26, 2014), 3 PYTC §2-2-510 (as amended through December 18, 2013), and the Violence Against Women Reauthorization Act of 2013 (hereinafter "VAWA") Pub. L. 113-4, Title IX, §§901-910 (2013), as codified 25 U.S.C. §1304; and

WHEREAS, a peace officer who is entitled to enforce the laws of the County and the state of Arizona may enforce the terms and provisions of a qualifying Protection Order within the County, pursuant to Arizona Revised Statutes (hereinafter "ARS") ARS §13-3602 and VAWA 25 U.S.C. §1304 (2013); and

WHEREAS, the Prosecuting Attorney is a state-licensed officer of Arizona for purposes of prosecuting criminal offenses that occur in the County or as otherwise provided for by law; and

WHEREAS, the Tribal Prosecutor is a state-licensed officer of the Tribe appointed by the Pascua Yaqui Tribal Council, authorized pursuant to 3 PYTC § 1-4-30 (as amended through June 26, 2008) to prosecute any and all criminal proceedings in the Pascua Yaqui Tribal courts and appear in court proceedings on behalf the Tribe; and

WHEREAS, the Tribe and the County wish to facilitate a cooperative approach to law enforcement to enhance public safety to protect all persons and property within the Reservation and County; and

WHEREAS, borders are porous and crime does not respect borders but flows from jurisdiction to jurisdiction, it is necessary to eradicate safe havens for crime and criminals in Indian country; and

WHEREAS, the Tribe is located in the major metropolitan area of Pima County and one of the primary objectives of VAWA 25 U.S.C §1304 (2013) and the Tribal Law and Order Act of 2010 (hereinafter "TLOA") Pub. L. 111-211, Title II (2010), 25 U.S.C. §2810, et. seq. is to close jurisdictional loopholes, a purpose further served by this Intergovernmental Agreement; and

WHEREAS, the Tribe and the County respect the sovereignty and political integrity of their respective governments and the values and culture represented by the Tribe, and each desires to

have an agreement reflecting a full government-to-government relationship in regard to enforcement of court orders on the Reservation by the Tribe and those issued off the Reservation by the County; and

WHEREAS, VAWA 25 U.S.C §1304 (2013) authorizes tribes, including Pascua Yaqui, to exercise special domestic criminal jurisdiction (hereinafter "SDVCJ") over non-Indian defendants for certain specified crimes; and

WHEREAS, the exercise of SDVCJ during the initial pilot project period of SDVCJ under VAWA 25 U.S.C §1304 (2013), resulted in 27 arrests of 23 offenders, 12 guilty pleas, 2 referrals for federal prosecution, 1 acquittal, 11 dismissals, 1 outstanding warrant, and no habeas corpus appeals; reflecting this as a regional problem; and.

WHEREAS, the Pascua Yaqui Tribe began exercising SDVCJ on February 20, 2014 as part of the Pilot Project under VAWA 25 U.S.C §1304 (2013). As of September 1, 2015, Pascua Yaqui has made 21 SDVCJ arrests involving 16 separate offenders resulting in 6 guilty pleas, 2 offenders had outstanding state warrants, 4 referrals for federal prosecution, 1 acquittal by jury, and 10 dismissals. Since beginning implementation of SDVCJ, cases involving non-Indians make up 25% of the Tribe's domestic violence caseload; and

WHEREAS, the Department of Justice (hereinafter "DOJ") Tribal Access Program (hereinafter "TAP") selected 10 tribes for the User Feedback Phase of TAP and the DOJ provides access to federal crime databases, in order to enhance the safety of Indian country and eliminate safe havens for crime and criminals, pursuant to the TLOA 25 U.S.C. §2810 (2010).

NOW THEREFORE, this agreement is entered into with the purpose to facilitate the alignment and visibility of Tribe-issued court orders by the County and the alignment and visibility of County-issued court orders by the Tribe. The agreement herein establishes the existing relationship between the Tribe and the County to ensure mutual enforcement of lawful orders issued by their respective governments. This agreement reflects the mutual intent of the Tribe and the County to promote the quality of the justice afforded to, and the mutual safety of, their respective citizens in the context of their overlapping jurisdictions.

II. DEFINITIONS

A. **"County"** means the Pima County of Arizona.

B. **"County Attorney"** means the Pima County prosecuting attorney.

C. **"Court Order"** means any order issued by a County or Tribal Court, including Protection Orders and Extradition Orders and Warrants.

D. **"Designating Offense"** means all violations of the laws of the United States, states, County, or the Tribe, whether civil or criminal.

E. **"Extradition"** means that when a requesting jurisdiction deems it necessary to have returned to the County or Reservation a person charged with a crime, and such person is imprisoned or is held under criminal proceedings pending against him, the jurisdiction to whom the request is made may agree to the extradition, the surrendering of criminal custody, of such person before the conclusion of such proceedings or term of sentence, pursuant to 3 PYTC §2-2-510 (as amended through December 18, 2013).

F. **"Extradition Order"** means the Order issued by the Court to whom the request for extradition is made allowing the delivery of the person accused of a crime to the demanding authority, pursuant to 3 PYTC 2-2-570 (as amended through December 18, 2013).

G. **"Indian country"** means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same, as defined in 18 USC §1151.

H. **"NCIC"** means the National Crime Information Center database.

I. **"Order of Extradition"** means the Order issued by the Court to whom the request for extradition is made allowing the delivery of the person accused of a crime to the demanding authority, pursuant to 3 PYTC 2-2-570 (as amended through December 18, 2013).

J. "**Tribe"** means the Pascua Yaqui Tribe of Arizona, organized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. § 476.

K. **"Pilot Project"** means the initial period in which participating federally recognized tribes exercised SDVCJ jurisdiction pursuant to 78 Fed. Reg. 71645 (Nov. 29, 2013).

L. "**Protection Order"** means a protection order issued by the County or the Tribe, in accordance with the use of the VAWA 2013 25 U.S.C. §1304 term "protection order" and 18 U.S.C §2265, giving full faith and credit to Tribal protection orders. The term Protection Order refers to the order of protection, which prohibits or provides protection against certain crimes, as defined by 18 U.S.C. §2266(5).

M. **"PYTC"** means the Pascua Yaqui Tribal Code, Law and Order Code (originally enacted May 26, 1992 by Resolution No. 05-42-92).

N. **"Reservation"** means the Tribe's Indian country, including its reservation and all territory within the exterior boundaries thereof including, without limitation, all roads, rights of way, easements, and waterways within such exterior boundaries.

O. "**SDVCJ"** means special domestic violence criminal jurisdiction pursuant to the Violence Against Women Reauthorization Act of 2013 Pub. L. 113-4, Title IX, §§901-910 (2013), as codified 25 U.S.C. §1304.

P. **"TAP"** means the Department of Justice Tribal Access Program providing federal criminal data base access to tribes, as authorized by the Tribal Law and Order Act of 2010 Pub. L. 111-211, Title II (2010), 25 U.S.C. §2810, et. seq.

Q. **"TLOA"** means the Tribal Law and Order Act of 2010 Pub.L. 111-211, Title II (2010), 25 U.S.C. §2810, et. seq. which mandates that the Departments of Justice and the Interior develop, in consultation with tribal leaders and tribal justice professionals, a long term plan to address incarceration and the alternatives to it in Indian country.

R. "**Tribal Peace Officer"** means a law enforcement officer employed by the Tribe who is authorized to exercise the powers of a general authority Arizona peace officer.

S. **"Tribal Prosecutor"** means the prosecuting officer of the Pascua Yaqui Tribe pursuant to 3 PYTC § 1-4-30 (as amended through June 26, 2008).

T. "**VAWA"** means the Violence Against Women Reauthorization Act of 2013 Pub. L. 113-4, Title IX, §§901-910 (2013), as codified 25 U.S.C. §1304 authorizes participating tribes to exercise SDVCJ over non-Indian defendants for certain crimes.

III. AUTHORITY

A. **Jurisdiction**: Nothing in this Agreement shall be construed to cede any jurisdiction of any party to this Agreement, to modify the legal requirements for arrest or search and seizure, or to otherwise modify the legal rights of any person not a party to this agreement, to accomplish any act which violates federal, tribal, or state law, or to subject the parties to any liability to which they would not be subject by law.

B. **Authority:** The authority for the Tribe to establish this agreement is:

1. Article VI, Section 1(a) and (t) of the Constitution of the Pascua Yaqui Tribe; and

2. The Violence Against Women Reauthorization Act of 2013 Pub. L. 113-4, Title IX, §§901-910 (2013), as codified 25 U.S.C. §1304 which authorizes that "a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe as defined by 18 U.S.C. §1151 or otherwise within the authority of the Indian tribe;'' and

3. 18 U.S.C. §2265(a), requiring full faith and credit to be given to Protection Orders issued by tribal courts; and

4. The Tribe is a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, 25 U.S.C. § 476; and

5. 3 PYTC §2-2-500 (Law and Order Code originally enacted May 26, 1992, as amended through December 18, 2013) establishes for the Tribe the procedure for extradition of persons to and from the County.

6. ARS §13-3869 establishes for the state of Arizona the procedure for extradition of persons to and from Indian jurisdiction.

7. 4 PYTC §3-60 (Enacted and established July 28, 1982 by Resolution No. C-31-81, Ordinance No. 5 as part of Law and Order Code, as amended through February 26, 2014) establishes for the Tribe the procedure regarding Protection Orders issued by the Tribe.

8. ARS § 12-3602 establishes for the state of Arizona the procedure regarding Protection Orders issued by the state.

9. The Department of Justice Tribal Access Program ("TAP") provides Tribes access to national crime information databases.

10. Tribal Law and Order Act of 2010 Pub. L. 111-211, Title II (2010), 25 U.S.C. §2810, et. seq.

IV. SCOPE OF POWERS

Under this agreement, the County will accord full faith and credit to Tribe-issued court orders. The County will recognize and adhere to the Tribe's extradition process for offenders not located on the Reservation. The Tribe will accord full faith and credit to County-issued court orders. The Tribe will recognize and adhere to the County's extradition process for offenders located on the Reservation.

V. Protection Orders

A. A Protection Order issued by a Court includes the following pursuant to 18 U.S.C. § 2266(5):

1. (A) Any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

2. (B) Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking; and

B. A Protection Order issued by a court of the Pascua Yaqui Tribe may additionally include the following pursuant to 4 PYTC §3-60 (as amended through February 26, 2014):

1. Either or both parties may be enjoined from committing a violation of one or more of the offenses included in domestic violence.

2. One party may be granted the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result.

3. Either or both parties may be restricted from coming near the residence, place of employment or school of the other party or other specifically designated locations or person on a showing that there is reasonable cause to believe that physical harm may otherwise result.

4. Relief necessary for the protection of the alleged victim and other specifically designated persons proper under the circumstances.

VI. INTEGRATION OF PROCESS

Under this agreement a peace officer of the Tribe or County may arrest an individual if the peace officer has probable cause to believe that the individual is in violation of, disobeying, or resisting a court order issued pursuant to Sections VIII and IX of this Agreement, whether or not such violation occurred in the presence of the peace officer.

A. A court order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing County or Tribe and the defendant had reasonable notice and an opportunity to be heard. If court the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing County or Tribe and within a reasonable time after the order was issued.

B. A Tribal or County peace officer may presume the validity of and rely on a copy of a court order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A Tribal or County peace officer may rely on the statement of any person who is protected by a Protection Order that the order remains in effect. A Tribal or County peace officer who acts in good faith reliance on a court order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

VII. INTEGRATION OF COUNTY AND PASCUA YAQUI PROCESSES

A. In order for court orders to be accorded full faith and credit under 18 U.S.C. §2265(a), it is established by this Agreement:

1. It is the obligation of both the Tribal and County governments to upload their respective court orders into the NCIC database and thereby make accessible their respective court orders to the peace officers of both the Tribal and County governments; OR

2. It is the obligation of on-duty Tribal and County peace officer to inquire into a validly issued court order in order to verify that the order is still active if the peace officer has information regarding an active court order.

VIII. PROTECTION ORDER ISSUANCE PROCESS

A. **Pima County Protection Order Issuance Process**, pursuant to ARS §13-3602.

1. See Addendum 1.

B. **Pascua Yaqui Protection Order Issuance Process**, pursuant to 4 PYTC §3-60 (as amended through February 26, 2014).

1. See Addendum 2.

IX. EXTRADITION PROCESS

A. **Pima County Extradition Process** pursuant to ARS §13-3869.

1. See Addendum 3.

B. **Pascua Yaqui Extradition Process** pursuant to 3 PYTC §2-2-500-570 (as amended through December 18, 2008).

1. See Addendum 4.

X. TERMS AND CONDITIONS

Nothing in this Agreement shall be construed to nullify any former Inter-Governmental Agreements and Memorandums of Understanding between the Tribe and the County, including but not limited to the 2009 Inter-Governmental Agreement for participation in the Spillman Records Management System and Computer Aided Dispatch System and Spillman Law Enforcement Modules and the 2010 Inter-Governmental Agreement permitting the Tribe to take part in the Pima County Wireless Integrated Network (PCWIN).

XI. NO JOINT VENTURE

It is not intended by this Agreement to, and nothing contained in this Agreement shall be construed to, create any partnership, joint venture or employment relationship between the parties or create any employer-employee relationship between one party's employees, and any other party hereunder. No party shall be liable for any debts, accounts, obligations, or other liabilities whatsoever of the other, including (without limitation) the other party's obligation to withhold Social Security and income taxes for itself or any of its employees.

XII. TERMS AND CONDITIONS

Modifications to this Agreement may be made only by mutual consent of the Tribe and the County through the points of contact identified below, in the form of a written modification, signed and dated by both the Tribe and the County.

XIII. TERMINATION

Either the Tribe or the County may terminate this Agreement without cause upon the giving of written notice thirty (30) calendar days in advance of the termination date to the other Party.

XIV. STATEMENT OF NON-DISCRIMINATION

In performance of this Agreement the parties shall not discriminate against any County or Tribe employee, client or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out their duties pursuant to this Agreement. The parties shall comply with the provisions of Executive Order 75-5, as amended by Executive Order 99-4, which is incorporated into this Agreement by reference, as if set forth in full herein.

XV. SEVERABILITY

If any provision of this Agreement, or any application thereof to the parties or any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Agreement which can be given effect, without the invalid provision or application and to this end the provisions of this Agreement are declared to be severable.

XVI. NO WAIVER OF SOVEREIGN IMMUNITY

Nothing in this Agreement shall be construed as an express or implied waiver of the sovereign immunity of any party in any forum or jurisdiction.

XVII. ENTIRE AGREEMENT

This document reflects the entire agreement of the Tribe and the County regarding the mutual enforcement of protection orders and the mutual enforcement of either party's extradition procedures.

XVIII. EFFECTIVE NOTICE DATE

The Tribe and the County agree that this Agreement is effective upon signature by both the Tribe and the County.

IN WITNESS WHEREOF, the enclosed parties have signed this Agreement

PASCUA YAQUI TRIBE	PIMA COUNTY
_____	_____
(Signature)	(Signature)
_____	_____
(Date)	(Date)
_____	_____
(Print Name)	(Print Name)
_____	_____
(Title)	(Title)
_____	_____
(Phone Number)	(Phone Number)
_____	_____
_____	_____
(Mailing Address)	(Mailing Address)

ADDENDA

ADDENDUM 1:

A. **<u>Pima County Protection Order Issuance Process</u>**, pursuant to ARS §13-3602.

1. Summary of Process [Simplified Description]

    a. A person files a verified petition with the County for a protection order for the purpose of restraining another person from committing an act of domestic violence [Hereinafter "defendant"].

    b. County court issues a protection order.

    c. Physical copy of County-issued protection order is delivered from the County court to the Sheriff's office.

    d. Within 3-10 days, the sheriff, a constable, or a certified process server [hereinafter referred to as "County employees"] serves the protection order to the individual to whom it is issued against.

    e. The County employee who serves the protection order sends the protection order to Terminal Operations for the County, which can be contacted at (520) 351-4625.

    f. Terminal Operations then inputs the protection order into the NCIC database.

    g. Once the protection order is entered into the NCIC database, any peace officer in the country (including state certified peace officers), with access to the database who runs the name of the individual against whom the protection order is issued will see the protection order.

2. Capture of Process based on ARS §13-3602 [Formalized Description]

    i. A person may file a verified petition, as in civil actions, with a magistrate, justice of the peace or superior court judge for an order of protection for the purpose of restraining a person from committing an act included in domestic violence:

a. If the person is a minor, the parent, legal guardian or person who has legal custody of the minor shall file the petition unless the court determines otherwise.

b. The petition shall name the parent, guardian or custodian as the plaintiff and the minor is a specifically designated person for the purposes of ARS §13-3602(G).

c. If a person is either temporarily or permanently unable to request an order, a third party may request an order of protection on behalf of the plaintiff.

d. After the request, the judicial officer shall determine if the third party is an appropriate requesting party for the plaintiff.

e. For the purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.

ii. The court shall review the petition, any other pleadings on file and any evidence offered by the plaintiff, including any evidence of harassment by electronic contact or communication, to determine whether the orders requested should issue without further hearing. The court shall issue an order of protection under this section if the court determines that there is reasonable cause to believe any of the following:

a. The defendant may commit an act of domestic violence.

b. The defendant has committed an act of domestic violence within the past year or within a longer period of time if the court finds that good cause exists to consider a longer period.

c. For the purposes of determining the period of time under this section, any time that the defendant has been incarcerated or out of this state shall not be counted. If the court denies the requested relief, it may schedule a further hearing within ten days, with reasonable notice to the defendant.

iii. If a court issues an order of protection, the court may do any of the following:

a. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence.

b. Grant one party the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result. If the other party is accompanied by a law enforcement officer, the other party may return to the residence on one occasion to retrieve belongings. A law enforcement officer is not liable for any act or omission in the good faith exercise of the officer's duties under this paragraph.

c. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons on a showing that there is reasonable cause to believe that physical harm may otherwise result.

d. If the court finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, prohibit the defendant from possessing or purchasing a firearm for the duration of the order. If the court prohibits the defendant from possessing a firearm, the court shall also order the defendant to transfer any firearm owned or possessed by the defendant immediately after service of the order to the appropriate law enforcement agency for the duration of the order. If the defendant does not immediately transfer the firearm, the defendant shall transfer the firearm within twenty-four hours after service of the order.

e. If the order was issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility approved by the department of health services or a probation department or any other program deemed appropriate by the court.

f. Grant relief that is necessary for the protection of the alleged victim and other specifically designated persons and that is proper under the circumstances.

g. Grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect or otherwise disposing of the animal.

iv. The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.

v. At any time during the period during which the order is in effect, a party who is under an order of protection or who is restrained from contacting the other party is entitled to one hearing on written request. No fee may be charged for requesting a hearing. A hearing that is requested by a party who is under an order of protection or who is restrained from contacting the other party shall be held within ten days from the date requested unless the court finds good cause to continue the hearing. If exclusive use of the home is awarded, the hearing shall be held within five days from the date requested. The hearing shall be held at the earliest possible time. An ex parte order that is issued shall state on its face that the defendant is entitled to a hearing on written request and shall include the name and address of the judicial office where the request may be filed. After the hearing, the court may modify, quash or continue the order.

vi. The order shall include the following statement:

a. Warning: This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

vii. A supplemental information form that is utilized by the court or a law enforcement agency solely for the purposes of service of process on the defendant and that contains information provided by the plaintiff is confidential.

viii. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail,

no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is located a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

ix. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The law enforcement agency shall request that a prosecutorial agency file the appropriate charges. A violation of an order of protection shall not be adjudicated by a municipal or justice court unless a complaint has been filed or other legal process has been requested by the prosecuting agency. The provisions for release do not apply to an arrest made pursuant to this section. For the purposes of this section, any court in this state has jurisdiction to enforce a valid order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

In addition to persons authorized to serve process pursuant to rule 4(d) of the Arizona rules of civil procedure, a peace officer or a correctional officer as defined herein who is acting in the officer's official capacity may serve an order of protection that is issued pursuant to this section. Service of the order of protection has priority over other service of process that does not involve an immediate threat to the safety of a person.

ADDENDUM 2

A. **Pascua Yaqui Protection Order Issuance Process**, pursuant to 4 PYTC §3-60 (as amended through February 26, 2014).

1. Summary of Process [Simplified Version]:

    a. A person may file a verified petition with the Tribal court for a protection order for the purpose of restraining a person from committing an act included in domestic or family violence.

    b. Tribal court issues a Protection Order.

    c. A Tribal court clerk routes the Protection Order from the court to the Tribal police department by adding it to a master list maintained by the Tribal court.

    d. Either a Tribal peace officer or a Tribal court process server serves the Protection Order to the individual to whom it is issued against.

    e. Once the Protection Order is served it is entered into a database at Tribal police department dispatch. Tribal police department dispatch then personally transfers the protection order information to Tribal peace officers as requested.

    f. To enforce a Protection Order against an individual or determine if a protection order against an individual is otherwise valid, an officer of the County shall call the twenty-hour dispatch line operated by the Tribal police department at (520) 879-5523, in order to determine the current status of the Protection Order.

2. Capture of Process based on the 4 PYTC §3-60 (as amended through February 26, 2014) [Formalized Version]:

    a. A person may file a verified petition, as in civil actions, with the Tribal Court judge for a protection order for the purpose of restraining a person form committing an act included in domestic or family violence.

    b. A Protection Order issued by a Court may include any of the following:

i. Either or both parties may be enjoined from committing a violation of one or more of the offenses included in domestic violence.

ii. One party may be granted the use and exclusive possession of the parties' residence on a showing that there is reasonable cause to believe that physical harm may otherwise result.

iii. Either or both parties may be restricted from coming near the residence, place of employment or school of the other party or other specifically designated locations or person on a showing that there is reasonable cause to believe that physical harm may otherwise result.

iv. Relief necessary for the protection of the alleged victim and other specifically designated persons proper under the circumstances.

c. The order shall include the following statement: CERIFICATE OF COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT: This protection order meets all full faith and credit requirements of the Violence Against Women Act 18 U.S.C. §2265. This court has jurisdiction over the parties and the subject matter. The respondent was afforded notice or this order has been issues ex parte due to immediate danger and the respondent has been given an opportunity to be heard in a timely manner as provided by the law of this jurisdiction. THIS ORDER IS VALID AND ENTITLED TO ENFORCEMENT IN THIS AND ALL OTHER JURISDICTION'S UNDER FEDERAL FULL FAITH AND CREDIT LAWS. If you disobey this order the court may find you in contempt of court. You may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

d. An order shall be served on the defendant. An order is effective immediately on the plaintiff. An order is effective on the defendant on service of a copy of the order. An order expires, unless renewed, one year after service on the defendant.

e. Within 24 hours after the affidavit or acceptance of service has been returned, excluding weekends and holidays, the Court shall register a certified copy of the order of protection and a copy of the affidavit of service of process or acceptance of service with the Tribal police department. Registration of an order means that a certified copy of

the order of protection and a copy of the affidavit or acceptance of service have been received by Tribal police department.

i. The Tribal police department shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. In order to check for a valid Protection Order, one can call the 24-hour Tribal police dispatch line at (520) 879-5523.

ii. The effectiveness of an order does not depend on its registration and for enforcement purposes, a certified copy of an order of the Court, whether or not registered, is presumed to be a valid existing order of the Court for a period of six months from the date of service of the order on the defendant.

iii. Any changes or modifications of the order are effective upon entry of an order of the Court and shall be registered with the Tribal police department within twenty-four (24) hours of the entry of the order, excluding weekends and holidays.

f. A Tribal peace officer may, with or without a warrant, arrest a person if the peace officer has probable cause to believe that the person is in violation of disobeying or resisting an order issued pursuant to this section, whether or not such violation occurred in the presence of the Tribal peace officer.

g. In addition to a person authorized to serve process, a Tribal peace officer may serve an order of protection issued pursuant to this section.

h. Once the Protection Order is served it is entered into a database at Tribal police department dispatch that is accessible by dispatchers who transfer to tribal information to Tribal peace officers.

ADDENDUM 3

A. **Pima County Extradition Process** pursuant to ARS §13-3869:

1. If the County seeks the extradition of an Indian from within the jurisdiction of the Reservation in the County, the County shall comply with any applicable requirements of tribal extradition law.

2. The Tribe that permits extradition of by the County of Indians from a tribal jurisdiction may request the extradition of persons from County jurisdiction.

3. The Tribe shall direct a warrant for extradition to the County Attorney. If the individual is unknown, to the State Attorney General.

4. A written demand for extradition by the Tribe shall be recognized if the demand is accompanied by both:

    a. A copy of a warrant issued for the accused; and

    b. A criminal complaint or sworn statement made before a tribal judge substantially charging the person demanded with the commission of a crime under tribal law, with escape from confinement or with violation of probation or parole.

5. The County attorney or attorney general who receives the written demand from the Tribe shall perform the functions granted herein

ADDENDUM 4

A. **Pascua Yaqui Extradition Process** pursuant to 3 PYTC §2-2-500-570 (as amended through December 18, 2008):

1. No demand for extradition of a person charged with a crime in the County or other reservation shall be recognized unless in writing. The request shall state that the accused was present in the County or Reservation at the time of commission of the alleged crime and fled to avoid prosecution. A copy of a Warrant shall accompany the request, and a copy of a Judgment of Conviction or indictment, if applicable. A copy of said demand shall be delivered to or served upon the Tribal Chairman.

2. The statement by the County or the copy of the indictment, information, or complaint made before a state or tribal court must charge that the person sought is within the Reservation or subject to the Tribe's jurisdiction, and (1) is charged with a crime by the county, or (2) has escaped or evaded confinement, or (3) broken terms and conditions of his bail, against the demanding County or Tribe. The copy must be authenticated by the executive authority, or their designee/agent, making the demand, which shall be prima facie evidence of its truth.

3. When it is desired to have returned to the County a person charged with a crime, and such person is imprisoned or is held under criminal proceedings pending against him, the Tribe may agree to the extradition of such person before the conclusion of such proceedings or term of sentence, upon condition that such person be returned to the Tribe after the prosecution in the County is terminated, unless the Tribal Prosecutor determines that further prosecution is not necessary.

4. A warrant for extradition shall not be issued by the Tribe unless the documents presented by the County show:

   i. The accused was present in the County at the time of the commission of the alleged crime, or thereafter fled the County;

   ii. The accused is on the Reservation; and

iii. The accused is lawfully charged by indictment or information filed by a prosecuting officer and supported by affidavit, made before a competent court of the demanding jurisdiction without having committed a crime under the laws of the demanding jurisdiction, or has been convicted of a crime in the demanding jurisdiction and has escaped from confinement or broken parole, probation, or violated terms of court release.

iv. Subsection (iii) above shall not apply in situations where there is an agreement between the Tribe and the County demanding jurisdiction to provide reciprocal probation services; sharing of law enforcement and other pertinent information relating to probationers, assistance in the serving of summons and warrants on probationers from the Tribe or the County, providing supervision of probationers and training services for court personnel.

5. After the Court issues an Order of Extradition, the keeper of the jail or enforcement officer, or person having charge of the accused, shall deliver the accused to the County provided that the Tribal Chairman of the Tribal Council grants consent in writing to the extradition. If written consent is not granted to extradite within 10 days of the Court's Order of Extradition, the accused shall be released.