

**TITLE 2 – GOVERNMENT ADMINISTRATION
PART II – DEPARTMENTS; DIVISIONS
CHAPTER 2-8 POLICE DEPARTMENT**

TABLE OF CONTENTS

SUBCHAPTER A GENERAL PROVISIONS

Section 10	Establishment of the Police Department	1
Section 20	Short Title; Codification	1
Section 30	Purpose of Department.....	1
Section 40	Mission.....	1

SUBCHAPTER B CHIEF OF POLICE

Section 50	Creation and Appointment	1
Section 60	General Duties of Chief of Police	2
Section 70	Supervisory Duties and Authorities of Chief of Police	2

SUBCHAPTER C ORGANIZATION

Section 80	Organization.....	2
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SUBCHAPTER D AUTHORIZED PROGRAMS

Section 90	Authorized Programs	3
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SUBCHAPTER E PROGRAM EVALUATION AND MONITORING

Section 100	Program Evaluation and Monitoring	3
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PART II – DEPARTMENT; DIVISIONS
CHAPTER 2-8 POLICE DEPARTMENT**

Legislative History: On March 25, 2009, Title 2, Part II, Chapter 2-8 was adopted by Resolution No. 03-36-09 and Ordinance No. 5-09.

On April 22, 2009, Title 2, Part II, Chapter 2-8 was hereby amended by Resolution No. C04-77-09 and Ordinance No. 12-09.

SUBCHAPTER A GENERAL PROVISIONS

Section 10 Establishment of the Police Department (2 PYTC § 2-8-10)

- (A) The purpose of this Chapter is to establish the Police Department of the Pascua Yaqui Tribe and to provide authorization and guidance for its operation.
- (B) The organizational Department to be known as the Pascua Yaqui Police Department is hereby created as a Department of the Executive Branch of the Pascua Yaqui Tribe Government.
- (C) If any section or part of this Chapter is later determined to be void or unenforceable, the remainder of this Chapter shall nevertheless remain in full force and effect, unless this Chapter, without said void or unenforceable section or part, fails in its purpose.

Section 20 Short Title; Codification (2 PYTC § 2-8-20)

This ordinance shall be known as the “Pascua Yaqui Police Department Ordinance of 2009.”

Section 30 Purpose of Department (2 PYTC § 2-8-30)

- (A) Provide Law Enforcement Services and Investigations of all Tribal, State and Federal Laws in conjunction with other Public Safety Departments to provide services to the community.
- (B) Provide Security Services for tribal entities including but limited to, health department, housing, education, etc.
- (C) Provide Telecommunication for Public Safety such as 911 emergency and incoming calls for fire and police service.
- (D) Provide Animal Control Services to the Community.
- (E) Provide Detention services for the care and custody of incarcerated inmates.
- (F) Provide Community Education and Youth Programs.

Section 40 Mission (2 PYTC § 2-8-40)

To deliver high quality and accountable professional services, in a manner consistent with the principles of Respect, Safety and Community Trust.

SUBCHAPTER B CHIEF OF POLICE

Section 50 Creation and Appointment (2 PYTC § 2-8-50)

- (A) The position of Police Chief is hereby created.
- (B) The Chief of Police shall not be deemed to be a tribal officer as defined in Article VII of the Constitution of the Pascua Yaqui Tribe; and

- (C) The Chief of Police shall be nominated by the Chairperson and must be approved by the Tribal Council by majority vote of the entire Council. Approval by the Tribal Council will constitute appointment of the position of Chief of Police.
- (D) The Chief of Police will be a full-time employee of the Tribe and will be paid compensation commensurate with his or her skills, education, experience, and responsibilities within the standards of compensation, if any, established by the Tribe.
- (E) The Chief of Police must report to, and will be directly supervised by the Chairperson.
- (F) The Chief of Police serves at the pleasure of the Tribal Council, and may be removed from that position only by a majority vote of the entire Council.

Section 60 General Duties of Chief of Police (2 PYTC § 2-8-60)

- (A) The Chief of Police will administer, supervise and direct the activities of the Department.
- (B) The Chief of Police will advise the Chairperson regarding all issues affecting the Police Department and the organization.

Section 70 Supervisory Duties and Authorities of Chief of Police (2 PYTC § 2-8-70)

- (A) The Chief of Police has the authority to select, appoint, and hire employees necessary to carry out the laws, regulations, polices and programs adopted by the Tribal Council including, but not limited to;
 - (1) Hiring authority, subject to the policies and procedures of the Tribe’s Employee Handbook and personnel policies; Policies provided by Arizona Peace Officer Standards and Training.
 - (2) Termination authority, subject to the policies and procedures of the Tribe’s Employee Handbook and personnel policies and or the Pascua Yaqui Police Department Policies and Procedures as adopted by Council in Resolution C01-05-05,
 - (3) Personnel discipline;
 - (4) Personnel performance review;
 - (5) Personnel job assignments;
- (B) The Chief of Police has authority to delegate any function, powers, and, authorities to other employees of the Department, except as may be prohibited by Tribal law.
- (C) The Chief of Police has budgetary authority for the Department.
- (D) The Chief of Police has authority to develop and implement internal policies for the efficient and effective administration of the Department.
- (E) The Chief of Police has signature authority for the Department, except as may be permissibly delegated.

SUBCHAPTER C ORGANIZATION

Section 80 Organization (2 PYTC § 2-8-80)

- (A) The Police Department consists of a Chief of Police and such departments and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its long and short term goals and objects.

- (B) The Police Department may employ staff professionals, support personnel, and/or contract with professional service firms as the Police Chief determines, consistent with the laws of the Tribe and approved budgetary authority.
- (C) The Police Department must maintain a current organizational chart. The organizational chart must accompany its annual budget submission and any budget modification requests during the fiscal year, in accordance with the Tribe's Fiscal Management Ordinance.

SUBCHAPTER D AUTHORIZED PROGRAMS

Section 90 Authorized Programs (2 PYTC § 2-8-90)

- (A) The Police Department will have the following authorized programs, and such other programs as the Tribal Council or the Chairperson may assign:
 - (1) Patrol and Criminal Investigations Division
(Those employees certified by the Tribal Court and the State of Arizona through Arizona Peace Officer Standards of Training). This would include all ranks within the Patrol Department.
 - (2) Communications Division.
 - (3) Security Division.
 - (4) Detention Division.
 - (5) Victim Services Division.
 - (6) Animal Control Division.
 - (7) Community Youth Programs.
- (B) If a program is authorized by the Tribal Council, it may terminate such program at any time, and such termination shall act as a revision to this Chapter.
- (C) If a program is authorized by the Chairperson, it may be terminated, in whole or in part, by either the Chairperson or the Tribal Council.

SUBCHAPTER E PROGRAM AND MONITORING

Section 100 Program Evaluation and Monitoring (2 PYTC § 2-8-100)

- (A) The Chief of Police must conduct ongoing evaluation of all programs under his or her control.
- (B) The Chief of Police must monitor all programs under his or her control on a regular basis.
 - (1) In the event the Chief of Police discovers any irregularity in a program under his or her control, he or she must report that irregularity immediately to the Chairperson.
- (C) The Chief of Police must report to the Council on programs under his or her control on a schedule determined by the Tribal Council.”