

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

WHEREAS, the Tribal Council is advised that one or more members of the Pinetop Police Force have come onto the Fort Apache Indian Reservation to conduct criminal investigations without prior approval of the Tribal Council; and

WHEREAS, the Tribal Council has received numerous complaints from tribal members that Pinetop Police Officers, who have no authority within the sovereign jurisdiction of the White Mountain Apache Tribal lands, have nevertheless conducted homicide and other criminal investigations within the Reservation and on Theodore Roosevelt School property, and have interrogated tribal members and conducted searches within tribal homes; and

WHEREAS, the Tribal Council is advised that said Pinetop Police Officers have always been accompanied by an officer of the Whiteriver Police Department; and

WHEREAS, it is the Tribal Council's position that neither the Whiteriver Police Department nor any tribal department or employee has the authority, unless specifically granted to it by the Tribal Council, to invite outside law enforcement agencies onto the Reservation to conduct criminal investigations; and

WHEREAS, the Tribal Council has received numerous complaints from tribal members about unwarranted stops of tribal members off-reservation, harassment by Pinetop Police, and in some cases these stops appear to single out tribal members as a group; and

WHEREAS, at least one civil rights incident about two years ago resulted in the termination of a Pinetop Police Officer and payment of a court settlement to a tribal member; and

WHEREAS, the unfortunate and regrettable homicide of a young man off-reservation in Pinetop has increased the volume of complaints by tribal members of unwarranted stops by Pinetop Police because said Police Department has assumed that the assailant was Native American and their investigation of suspects has centered on tribal members of the White Mountain Apache Tribe; and

WHEREAS, the Tribal Council realizes and acknowledges the importance of cooperative law enforcement between the Whiteriver Police Department and off-reservation law enforcement agencies, such as the Department of Public Safety, Pinetop Police Force, and Navajo and Apache County Sheriff Departments, but at the same time must insist that its rights as a sovereign government be respected and that appropriate procedures be followed before non-reservation law enforcement agencies are permitted to conduct criminal investigations within the Reservation; and

WHEREAS, the Tribal Council concludes that it should host a meeting with Pinetop Town officials, the Pinetop-Lakeside Chief of Police, the Chief of Police of the White Mountain Apache Tribal Police Department, and Bureau of Indian Affairs, Criminal Investigation Department, to establish appropriate protocol for future criminal investigations that may involve on-reservation evidence or suspects.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby prohibits the Pinetop Police Department Officers and its investigators from coming onto the Fort Apache Indian Reservation to conduct criminal investigations until such time as there is a meeting with the Tribal Council to establish protocol for granting access to the Reservation for those purposes.

BE IT FURTHER RESOLVED by the Tribal Council that this resolution does not prohibit the Pinetop Police Department, or any other non-tribal law enforcement agency, from coming to the mutual aid of the Whiteriver Police Department or to respond to a 911 or emergency call from the reservation in the proximity of the Town of Pinetop-Lakeside or the Hon-Dah Casino Complex.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby advises the Pinetop City Council and its Police Department that it wishes to assist the Town of Pinetop in criminal investigations and suggests that a meeting be scheduled in May 1997 with the Tribal Council to establish a protocol for conducting criminal investigations within the Fort Apache Indian Reservation.

BE IT FURTHER RESOLVED by the Tribal Council that, until further notice, it hereby authorizes the Tribal Police Department to continue to assist the Pinetop Police Department with criminal investigations as long as the Whiteriver Police Department or BIA primarily conduct those investigations on the Reservation; further, that the Whiteriver Police Department is authorized to release any evidence that has been collected in respect to any criminal investigation to the Pinetop Police Department.

The foregoing resolution was on April 3, 1997 duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribe Constitution, including Article IV, Section 1 (a), (f), (i), (q), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council