



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 04-SS

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

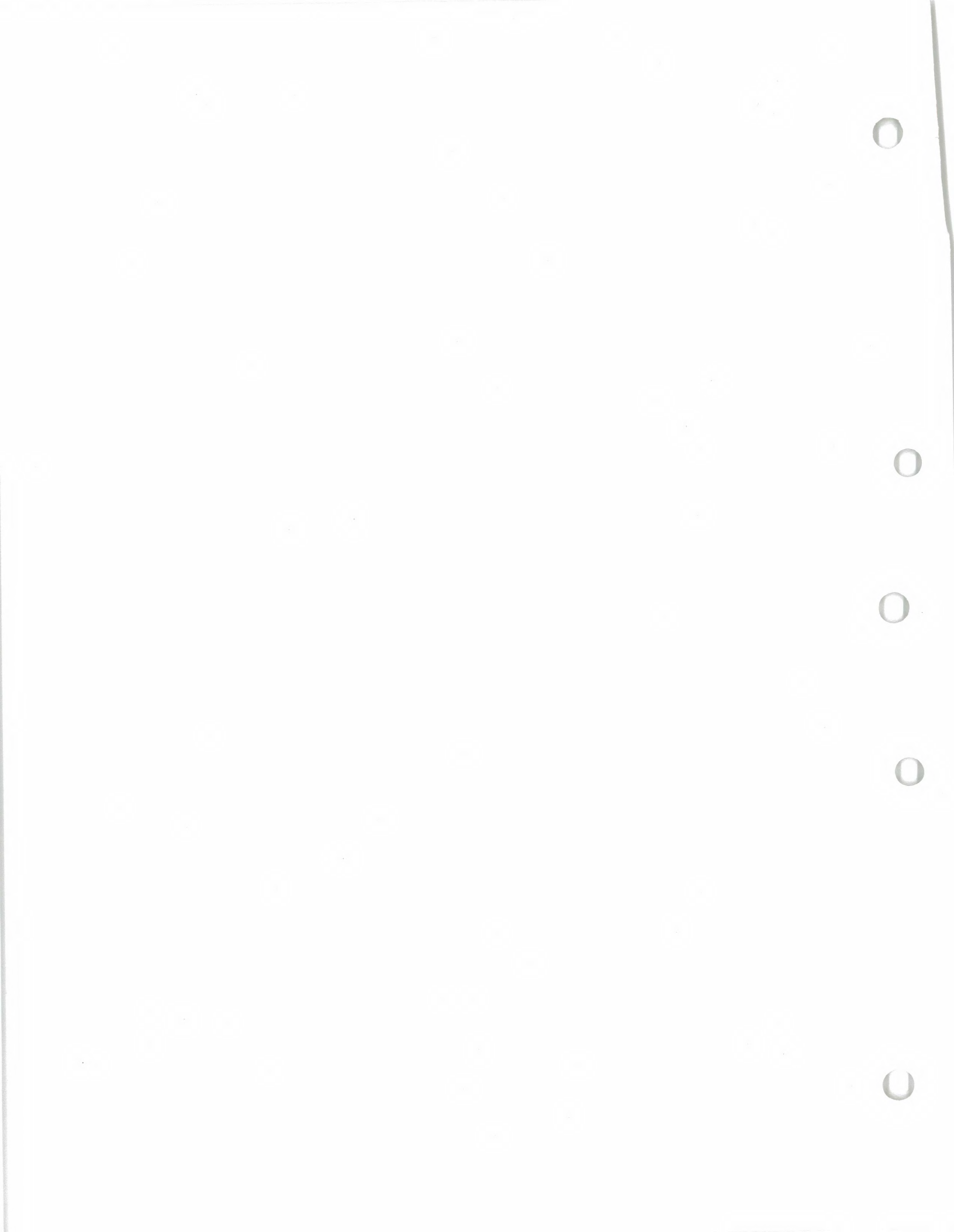
WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that threats to public safety are one of the most important issues facing governments at every level today; and

WHEREAS, the Squaxin Island Tribal Council wishes to take every reasonable measure to protect the Squaxin Island Community from threats of terrorism, crime, and the dangers associated with illegal drug use; and

WHEREAS, the Law and Order Code does provide Law Enforcement with tools adequate to address the entrance onto the Reservation of dangerous weapons or substances;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the Border and Reservation Security Act (copy attached hereto).

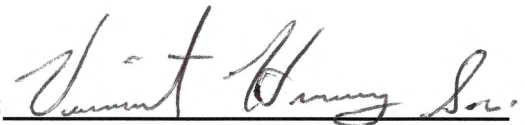


CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 26th day of August, 2004, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Vincent Henry, Sr., Secretary



Andy Whitener, Vice Chairman

Chapter 9.20

Squaxin Island Border and Reservation Security Act

Sections

- 9.20.010 Title**
- 9.20.020 Purpose**
- 9.20.030 Jurisdiction**
- 9.20.040 Definitions**
- 9.20.050 Administration and Enforcement**
- 9.20.060 Delegation**
- 9.20.070 Administration of Border Checkpoints and Searches**
- 9.20.080 Penalties -- Temporary Exclusion; Confiscation; Criminal and/or Civil Penalties**
- 9.20.090 Effective Date**
- 9.20.100 Severability**

9.20.010 Title.

This code shall be known as the Squaxin Island Border and Reservation Security Act.

9.20.020 Purpose.

Threats to the public safety are one of the most important issues facing governments at every level today. The Tribal Council wishes to take every reasonable measure to protect the Squaxin Island Community from threats of terrorism, crime, and the dangers associated with illegal drug use. While the Law and Order Code provides Law Enforcement with tools to address crime already occurring on the Reservation, it does not adequately address the entrance onto the Reservation of dangerous weapons or substances. Therefore, the purpose of this chapter is to provide regulations to: protect the security and welfare of all persons and property on the Squaxin Island Reservation by securing the Reservation borders against entry of illegal or dangerous substances and weapons; establish guidelines and criteria for border searches; and provide a program of enforcement through the Squaxin Island Law Enforcement Department.

9.20.030 Jurisdiction.

The provisions of this code, in conformance with applicable federal laws, shall extend to all persons who seek to enter the Squaxin Island Reservation, whether on foot, in a vehicle, or by other means.

9.20.040 Definitions.

For the purposes of this chapter only, unless a different meaning is plainly required or otherwise specified:

“Border” means any entrance to the Reservation;

“Council” or “Tribal Council” means the Squaxin Island Tribal Council;

“Court” or “Tribal Court” means the Squaxin Island Tribal Court, including the Court of Appeals;

“Deadly weapon” means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, which is readily capable of causing death or serious bodily injury;

“Hazardous substance” means any substance in whatever form which is readily capable of causing death or serious bodily injury. In determining whether a substance is hazardous for purposes of this chapter, law enforcement will take into account possible combinations of substances present in the same vehicle or transported by the same person and the reasonable likelihood that the substance may be used for a nonhazardous, legitimate purpose;

“Includes” or “including” means includes but is not limited to;

“Law Enforcement” means Squaxin Island Law Enforcement officers or other law enforcement officers who have jurisdiction to enforce this chapter pursuant to any memorandum of agreement, cross-deputization or special commission agreement, or other appointment or agreement;

“Reservation” means that contiguous portion of the lands owned in fee or held in trust for the Squaxin Island Reservation which is generally used for housing, tribal government, and other related purposes and normally entered by vehicle at entrances from Old Olympic Highway or Bloomfield Road.

9.20.050 Administration and Enforcement.

Administration and enforcement of this chapter shall be the responsibility of the Tribal police chief. The chief of police shall, to the extent his budget allows:

- A. Provide for the maintenance of border checkpoints and conduct of border searches;
- B. Temporarily exclude persons from the Reservation who either refuse to submit to a search at a border checkpoint or who, upon such a search, appear to pose a threat to the welfare and safety of persons or property within the Squaxin Island Reservation.

9.20.060 Delegation.

[Does the Tribal Council wish to allow the chief of police to delegate his responsibilities under this chapter by doing any of the following: contracting with outside agencies; appointing a border control director; deputizing persons over the age of 21 specially only for the purposes of enforcing this chapter?]

9.20.070 Administration of Border Checkpoints and Searches.

A. Location. Law Enforcement may establish one or more border checkpoints at any place that is the functional equivalent of a border. Such checkpoints shall be located near, but need not be placed exactly at, the boundary of the Reservation. Any person attempting to enter the Reservation at a point not clearly marked as a Reservation boundary shall be first notified that they are at or near a Reservation border, and shall be permitted to leave if they so choose. If the person wishes to continue to enter the Reservation, he or she shall be subject to search at any marked boundary.

B. Search Criteria.

1. Every person seeking to enter the Reservation shall be subject to search when a border checkpoint is in place.
2. Border searches may include a routine search of the person and/or vehicle, including any packages or other materials.

3. More intrusive searches shall require reasonable suspicion or probable cause pursuant to applicable law.

9.20.080 Penalties -- Temporary Exclusion; Confiscation; Criminal and/or Civil Penalties.

A. Temporary Exclusion. Law enforcement shall exclude from the Reservation for a period of no less than twenty-four (24) hours and no more than seventy-two (72) hours any person who either:

1. Refuses to submit to a search at a border checkpoint; or
2. Appears, upon a search at a border checkpoint, to pose a threat to the welfare or safety of persons or property within the Squaxin Island Reservation.

B. Confiscation. Law enforcement shall confiscate from any person attempting to enter the Reservation any:

1. Dangerous weapon for which the person does not possess a valid, current, permit;
2. Illegal substance; or
3. Hazardous substance for which the person does not appear to have a legitimate purpose or for which the danger clearly outweighs any legitimate purpose alleged.

C. Criminal and Civil Penalties. Law Enforcement may pursue any additional criminal and/or civil penalties that may apply under Squaxin Island Tribal law.

D. The Squaxin Island Tribal Court shall have exclusive jurisdiction over any issue arising under this chapter. Nothing in this chapter shall be deemed to constitute a waiver of the sovereign immunity of the Squaxin Island Tribe, its officers, employees, or agents.

9.20.090 Effective Date.

This chapter shall become effective twenty-one (21) days after its adoption by the Tribal Council.

9.20.100 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid or unconstitutional, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.