

# PASCUA YAQUI TRIBE

## OFFICE OF THE ATTORNEY GENERAL



DOJ T.A.P.

DOCUMENT SUBMISSION

Pascua Yaqui Police Department

May 12, 2016

- A. L User Agency Agreement for DOJ CJIN
- B. L User Agency Agreement for DOJ CJIN: TAP for National Crime Information Addendum
- C. L List of Agency Users - Pascua Yaqui Police Department - [Please submit your user list to us by completing the User Training Certification Excel Spreadsheet](#)
- D. L Law Enforcement CJA Documentation Requirement Checklist & Agency Responses
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- F. L Letter fr. Chief of Police re. Training requirements
- G. L Pascua Yaqui Tribal Policy Regarding Screening Requirements for Individuals Users Accessing Criminal Justice Information through the US DOJ CHI

**A. User Agency Agreement for DOJ CJIN**



## User Agency Agreement for the DEPARTMENT OF JUSTICE (DOJ) CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)

### **Purpose:**

1. The purpose of this User Agency Agreement (UAA) is to outline the responsibilities of the Department of Justice Office of the Chief Information Officer (DOJ OCIO) as the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Systems Agency (CSA) and the User Agency (UA). This UAA pertains to the use of the following systems:

- National Crime Information Center (NCIC)
- International Justice and Public Safety Network (Nlets)
- Next Generation Identification (NGI)
- National Instant Criminal Background Check (NICS)
- Law Enforcement Enterprise Portal (LEEP)
- National Data Exchange (N-DEx)

### **Responsibilities of both Agencies:**

1. Both agencies agree to comply with all applicable laws, rules and regulations.
2. Both agencies agree to comply with all FBI CJIS policies as found in the CJIS Security Policy and system-specific manuals.
3. Both agencies agree that Criminal Justice Information (CJI) as defined by FBI CJIS is the term used to refer to all of FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce laws, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. CJI also refers to FBI CJIS provided data necessary for civil agencies to perform their mission; including, but not limited to data used to make hiring decisions.
4. Both agencies agree that this document is limited to its terms. Either agency may terminate this UAA with thirty days written notice to the other party.

### **Department of Justice Office of the Chief Information Officer Responsibility:**

1. The DOJ OCIO shall provide access to the six systems listed above.
2. The DOJ OCIO shall establish and administer an information technology security program.
3. The DOJ OCIO shall provide access to all necessary policy manuals.



4. The DOJ OCIO shall provide training and training material relevant to the six systems listed above.
5. The DOJ OCIO shall provide Help Desk Services relevant to the six systems listed above.
6. The DOJ OCIO shall perform audits of the UA at least once every three years to verify adherence policies and regulations.
7. The DOJ OCIO shall respond to Freedom of Information Act (FOIA) and Privacy Act requests for criminal booking information conducted using DOJ CJIN systems and must release the following fields: Charge; Arrest Date, City, State, Country, Agency, Citizenship. No personally identifiable information (PII) shall be released unless the request is from an individual requesting their own records.
8. The DOJ OCIO will sanction the UA or individual user for failure to comply with policies. Sanctions may range from suspension of access to termination of services for the UA. Sanctions will be determined by the DOJ OCIO based upon the nature of the violation of this UAA.

#### **User Agency Responsibility:**

1. The UA shall comply with all DOJ OCIO policies.
2. The UA shall ensure physically secure locations are established to protect CJJ and associated information systems.
3. The UA shall appoint a point of contact for matters related to FBI CJIS information access. This individual is identified as the Terminal Agency Coordinator (TAC). The TAC is responsible to administer FBI CJIS programs within the UA and ensure compliance with all policies.
  - A. The TAC shall act as the Local Agency Security Officer (LASO), Joint Automated Booking System (JABS)/Civil Applicant System (CAS) Local Agency Coordinator (LAC), and the N-DEx Agency Coordinator (NAC). These responsibilities may be delegated by the TAC. The LASO is responsible for physical and technical security issues. The NAC is responsible for overseeing compliance with N-DEx policies.
  - B. The TAC shall initiate requests for new user accounts and password resets.
  - C. The TAC shall annually validate user accounts and request account suspension when access is no longer needed.
  - D. The TAC shall ensure Originating Agency Identifier (ORI) validations are accurate and completed within the annual validation certification period.
4. The UA shall notify the DOJ CJIN CSO in writing within ten days of appointing a new TAC. The new TAC shall sign the UAA.
5. The UA shall have policies and procedures in place that comply with the "Minimum Screening Requirements for Individuals Requiring Access to CJJ" as set forth in the CJIS Security Policy.
6. The UA shall ensure users meet those minimum screening requirements prior to being granted access to CJJ.



7. The UA shall conduct a name-based record check of users with access to CJJ every five years.
8. The UA shall ensure users are trained prior to being granted access to CJJ. Users may access systems for training purposes to obtain certification to access CJJ.
  - A. The UA shall ensure users with access to CJJ receive Security Awareness Training every two years.
  - B. The UA shall ensure users with direct system access to NCIC are retrained and tested every two years.
9. The UA shall be actively engaged and provide documentation to assist in and fully support audits by DOJ OCIO and FBI CJIS. If sanctions are necessary, the UA shall comply with the mitigation plan and report progress to the DOJ CJIN CSO.
10. The UA shall promptly report to the DOJ CJIN CSO information concerning CJJ-related security incidents and comply with instructions provided by DOJ OCIO.
11. The UA shall ensure that private contractors who have access to CJIS meet the Minimum Screening Requirements for Individuals Requiring Access to CJJ, are trained, and comply with all policies. The UA shall execute a security addendum for each individual contractor with access to CJJ.
12. The UA shall ensure that the appropriate management control agreements are in place for agencies designated to perform criminal justice functions on behalf of the UA.
13. The UA shall execute a Reimbursable Agreement (RA) with FBI CJIS and pay User Fees associated with fingerprint-based checks for noncriminal justice purposes.
14. The UA understands that information from criminal bookings conducted using DOJ CJIN systems is available to other authorized criminal justice agencies.
15. The UA understands that information from criminal bookings conducted using DOJ CJIN systems subject to Freedom of Information Act (FOIA) and Privacy Act.
16. The UA shall select what level of access to NCIC it requires:
  - A. Limited NCIC Access allows the UA to query records only.
  - B. Full NCIC Access allows the UA to query and enter records. Agencies with Full NCIC Access are also responsible to comply with Quality Assurance, Hit Confirmation Policy, Timeliness, and Record Validation requirements contained in the NCIC 2000 Operating Manual.



IN WITNESS WHEREOF, the parties hereto caused this agreement to be executed by the proper officers and officials. This agreement shall become effective upon the date signed.

<input type="checkbox"/> Limited NCIC Access <input type="checkbox"/> Full NCIC Access *For CJAs and DV Civil Courts only*
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	PASCUA YAQUIE POLICE DEPT. CHIEF OF POLICE	
User Agency Signatory	Agency, Title and Printed Name	Date
	PASCUA YAQUIE Communication Supervisor	
Terminal Agency Coordinator (TAC)	Agency, Title and Printed Name	Date
DOJ CJIN CJIS Systems Officer (CSO)	Title and Printed Name	Date

B. User Agency Agreement for DOJ CJIN: TAP for National Crime Information Addendum

**B. User Agency Agreement for DOJ CJIN: TAP for National Crime Information  
Addendum**



**User Agency (UA) Agreement for the  
DEPARTMENT OF JUSTICE (DOJ)  
CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)**

**Tribal Access Program (TAP) for National Crime Information Addendum**

1. The UA shall provide high speed (DSL or higher) Internet service to the workstation.
2. The UA shall purchase and maintain all necessary network equipment to maintain the internet connection.
3. DOJ TAP shall provide one workstation to the tribe.
4. The UA shall select the configuration of that workstation.
5. The UA shall notify the DOJ OCIO in writing prior to moving the workstation in order to ensure that DOJ OCIO has the correct information on file for the purposes of servicing the workstation.
6. If the UA is a criminal justice agency, the Terminal Agency Coordinator shall sponsor access to Law Enforcement Enterprise Portal (LEEP) for non-criminal justice agency users.

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 User Agency Signatory	<i>Chief of Police</i> Title and Printed Name	 Date
 Terminal Agency Coordinator (TAC)	 <i>Communication Supervisor</i> Title and Printed Name	 Date
DOJ OCIO CJIS Systems Officer (CSO)	Title and Printed Name	Date

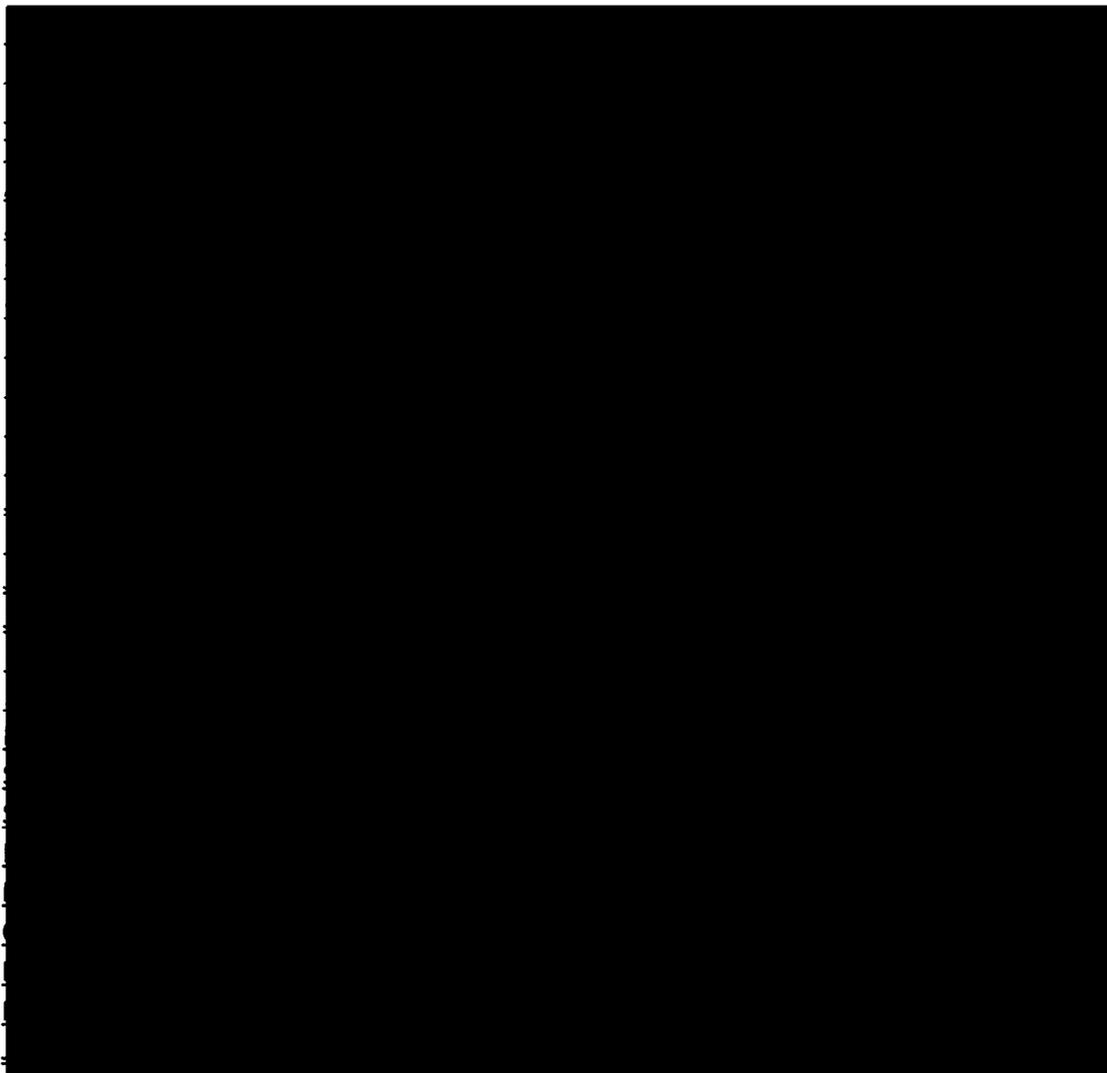


**C. List of Agency Users - Pascua Yaqui Police Department**

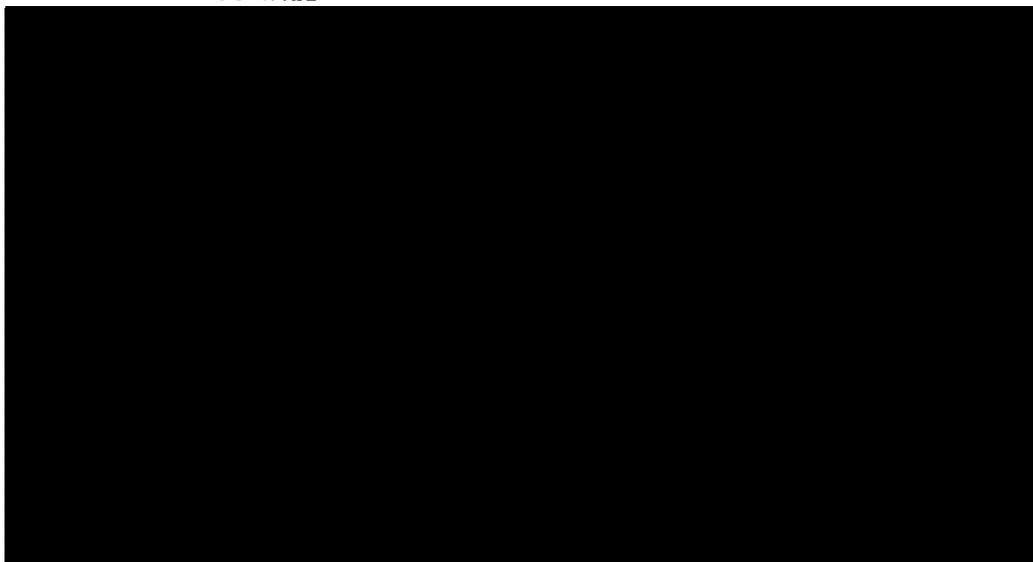
Please submit your user list to us by completing the User Training Certification Excel Spreadsheet -

**POLICE OFFICERS**

**Officer Name and Badge#**



**DETENTION PERSONNEL**



**D. Law Enforcement CJA Documentation Requirement Checklist & Agency Responses**



## Law Enforcement Criminal Justice Agency

### Documentation Requirements Checklist

The *Criminal Justice Information Services (CJIS) Security Policy* defines a Criminal Justice Agency as "...a governmental agency, or any subunit of a governmental agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice." An agency must also have arrest powers to further distinguish itself as a Law Enforcement Criminal Justice Agency.

CJIS policy requires the documentation outlined below in order to process the request for the issuance of an Originating Agency Identifier for use on CJIS systems to an agency such as a police department that will apply for access as a Law Enforcement Criminal Justice Agency. This documentation enables CJIS to make a determination for access according to Title 28 of the Code of Federal Regulations.

#### **Please provide documentation that establishes:**

- Proof that the primary function of agency is the administration of criminal justice -** Agency must provide documentation that shows the agency's primary function is the administration of criminal justice; more than 50% of the agency's functions must be devoted to the administration of criminal justice, as opposed to civil or administrative functions. This information must include what the criminal justice duties, functions, and powers of the agency or the subunit are, as well as the underlying authority granting these powers.
  - **Common Examples:** A listing of job assignments or the criminal case activity logs for the past year. In some cases, the executive order, the statute, the chartering document may state the primary functions.
  
- Proof that the primary budget allocation of the agency is for the administration of criminal justice –** Agency must provide documentation demonstrating it allocates more than 50% of its annual budget to the administration of criminal justice.
  - **Common Examples:** A copy of the agency's budget or alternatively, documentation signed by the police chief that indicates the types of criminal justice functions performed over the past calendar year
  
- Proof that the agency has arrest powers –** Agency must provide documentation shows it has arrest powers pursuant to an executive order, statute, code, ordinance, or other underlying authority.
  - **Common Examples:** Chartering document or an order from the governing body to establish the agency or a copy of the statute granting the agency arrest powers.



FOR NATIONAL CRIME INFORMATION  
ENSURING THE EXCHANGE OF CRITICAL DATA



- Proof that agency is a Law Enforcement Criminal Justice Agency whose officers have completed the required training** – Agency must provide documentation that describes their agency’s law enforcement training requirements established by the underlying authority that grants the arrest powers.
  - **Common Examples:** Letter from the training center or the chief of police detailing the required law enforcement training and verification that all of their officers have completed it.
  
- Proof that the agency has policies and procedures in place that comply with the “Minimum Screening Requirements for Individuals Requiring Access to CJI” as set forth in the CJIS Security Policy and that comply with name-based records check of personnel with CJI-access on a frequency of no more than every 5 years.**
  - **Common Examples:** Policy document specifying fingerprint-based and name-based background checks submitted to CJIS and state of residency of the employee or contractor requiring access to Criminal Justice Information, and specifying record retention requirements for the background check.

PASCUA YAQUI LAW ENFORCEMENT  
(Law Enforcement Criminal Justice Agency)

Documentation Requirements Checklist

1. **Proof that the primary function of agency is the administration of criminal justice.**

**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.

**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.

2. **Proof that the primary budget allocation of the agency is for the administration of criminal justice.**

See Attached Budget

3. **Proof that the Agency has arrest powers**

**Section 100 Arrest (3 PYTC § 2-2-100 – Former 3 PYT R.Crim.P. Rule 10)**

(A) Arrest is the taking of a person into custody in order that he or she may be held to answer for a criminal offense.

(B) No tribal law enforcement officer shall arrest any person for a criminal offense set out in the Tribal Code except when:

- (1) The officer has a warrant signed by a tribal judge commanding the arrest of such person, or the officer knows for a certainty that such a warrant has been issued; or
- (2) The offense occurred in the presence of the arresting officer; or
- (3) The officer has probable cause to believe that the person to be arrested has committed an offense.

(C) Any enforcement officer having authority to make an arrest may, and in the case where a reasonable person has reason to believe that life or limb is in danger, break open an outer or inner door or window of a dwelling house or other structure for the purpose of making the arrest if, after a notice of his intention, he is not allowed admittance within a reasonable time.

4. **Proof that agency is a Law Enforcement Criminal Justice Agency whose officers have completed the required training**

**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.

See also Attached Letter

5. **Proof that the agency has policies and procedures in place that comply with the "Minimum Screening requirements for Individuals Requiring Access to CJ" as set forth in the CJIS—access on a frequency of no more than every 5 years,**

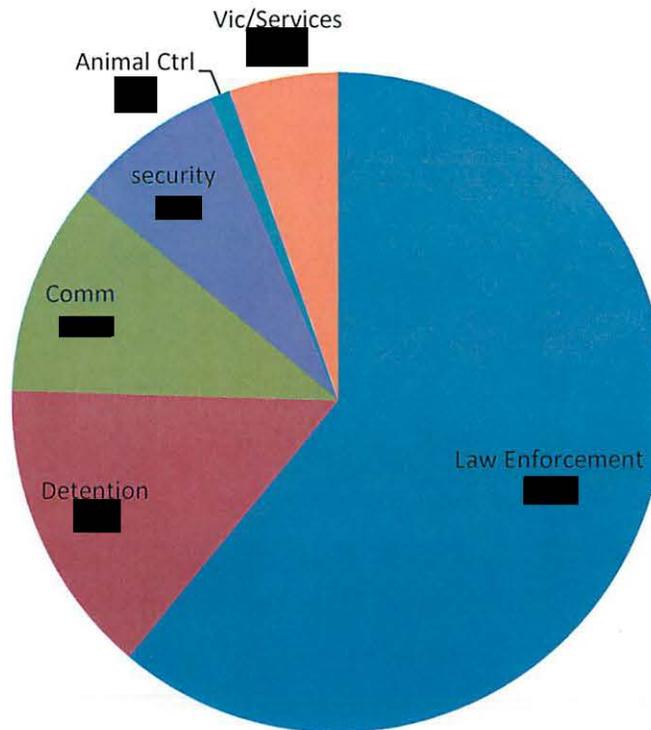
See Attached Policy

**E. Agency Budget – Pascua Yaqui Police Department**

# Pascua Yaqui Police Department Budget

	Law Enforcement	Detention	Comm	security	Animal Ctrl	Vic/Services
Total	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
prcnt.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

## PYPD Budget



**F. Letter fr. Chief of Police re. Training requirements**

# PASCUA YAQUI POLICE DEPARTMENT

*"Respect, Safety, and Community Trust"*

Dear Sir,

The Pascua Yaqui Police Department pursuant to internal departmental policies and the *Pascua Yaqui Code*, 2 PYTC §2-8-70, require all Pascua Yaqui police officers be Arizona Peace Officer Standards and Training Board (AZPOST) certified.

## AZPOST Background:

Created by an act of the 28th Arizona legislature on July 1, 1968 The Arizona Peace Officer Standards and Training Board stands to foster public trust and confidence by establishing and maintaining standards of integrity, competence, and professionalism for Arizona peace officers and correctional officers. We are committed to producing and maintaining the most professional law enforcement officers in America.

Originally established to address the need for minimum peace officer selection, recruitment, retention and training standards, and to provide curriculum and standards for all certified law enforcement training facilities; the Board has been charged with additional duties since its original 1968 charter. In later years the Board has also been vested with the responsibility of administering the Peace Officer Training Fund, approving a state correctional officer training curriculum and establishing minimum standards for state correctional officers. See <https://post.az.gov> (04/28/16)

## AZ POST TRAINING DESCRIPTION

The agency will enroll newly appointed peace officer trainees in the basic training academy of the agency's choice. Each academy will provide the AZPOST Basic Peace Officer Course with a minimum of 585 hours of mandated training. Trainees must successfully complete all of the academy requirements and pass a Comprehensive Final Examination to become AZPOST certified. There is a process for experienced officers to take a test and avoid repeating a basic academy called the AZPOST Waiver Process. This consists of a written test, driving proficiency, firearms qualification and the POPAT (physical agility test). It is the appointing agency's choice whether to send an applicant through a basic academy again or allow them to pursue the Waiver Process. See <https://post.az.gov/certification-process> (04/28/16)

Upon completion of the successful completion of the training program, AZPOST issues a certification to the participant. The certification enables the Pascua Yaqui Police Department to complete the hire of the officer.

If you have any questions, please do not hesitate to contact me at (520) 879-6000.

Sincerely,



Chief of Police



Law Enforcement • Criminal Investigations • Detention • Animal Control • Communications • Security  
7777 S. Camino Huivisim • Bldg. A • Tucson, Arizona 85757 • Phone (520) 879-5600 • Fax (520) 879-5606



**G. Policy Regarding Screening Requirements for Individuals Requiring Access to Criminal Justice Information through the US DOJ CHI**

**PASCUA YAQUI TRIBAL POLICY**

**REGARDING SCREENING REQUIREMENTS FOR INDIVIDUALS USERS  
ACCESSING CRIMINAL JUSTICE INFORMATION THROUGH THE US DOJ CJIN**

**USER AGENCIES** (Pascua Yaqui tribal departments, programs, or Court), seeking access to federal Criminal Justice Information (CJI) through the United States Department of Justice's *Tribal Access Program*,

**AGREE TO ABIDE** by the following *background check requirements* for all individual users, whether they are direct tribal employees or contractors, within each User Agency that will have access to CJI, whether verbal, written, or otherwise. These requirements apply to individuals with only physical or logical access to devices that store, process or transmit unencrypted CJI.

**BACKGROUND CHECK REQUIREMENTS:**

1. As the US DOJ CSA (CJIS System Agency) is a federal entity which bypasses state repositories, the User Agency shall conduct national fingerprint-based record checks to establish the identity of the prospective user, and then execute an NLETS CHRI IQ/FQ/AQ query using purpose code C, E, or J depending on the circumstances.
2. A background re-investigation for each individual user shall be conducted every 5 years. This includes at a minimum a name-based record check.
3. A record check of Pascua Yaqui Tribal Court convictions shall also be conducted for any prospective user who is a member of a federally recognized tribe.
4. All requests for access to CJI shall be made through each agency's Terminal Agency Coordinator (TAC). The TAC shall submit the access request to the US DOJ CJIS Systems Officer (CSO). The CSO or their designee is authorized to approve access to CJI.
5. If the background check of the individual user reflects a felony conviction of any kind, the User Agency shall deny the user access to CJI. However, the affected User Agency may ask for a review by the US DOJ CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.
6. If a conviction from the Pascua Yaqui Tribal Court or other tribal court exists, the User Agency's TAC may request the US DOJ CSO to review the conviction to determine if it would have been considered a felony conviction if it had been adjudicated in federal court or the State of Arizona. If the conviction would have been considered a felony, then access to CJI shall be denied. However, the User Agency may ask for a review by the US DOJ CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance.

7. If a record of any other kind exists, individual user access to CJI shall not be granted until the US DOJ CSO or their designee reviews the matter to determine if access is appropriate.
8. If the prospective user appears to be a fugitive or has an arrest history without conviction, the US DOJ CSO or their designee shall review the matter to determine if access to CJI is appropriate.
9. If the prospective user is employed by a Non-Criminal Justice Agency (NCJA), the US DOJ CSO shall review the matter to determine if CJI access is appropriate. This same procedure applies if this prospective user is found to be a fugitive or has an arrest history without conviction.
10. If the individual user already has access to CJI and is subsequently arrested and or convicted, continued access to CJI shall be determined by the US DOJ CSO. This does not implicitly grant hiring or firing authority to the US DOJ CJIS Systems Agency (CSA), only the authority to grant or deny access to CJI.
11. If the US DOJ CSO or their designee determines that access to CJI by a prospective user would not be in the public interest, access shall be denied and the Pascua Yaqui Police Department (PYPD) and appropriate User Agency shall be notified in writing of the access denial.
12. Support personnel, contractors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a record check as described in #1, as well as Pascua Yaqui tribal criminal records check, unless these individuals are escorted by authorized personnel at all times.
13. Any relevant personnel, whose employment with the Pascua Yaqui Tribe is terminated, shall immediately have their access to CJI terminated. Each User Agency agrees to notify the US DOJ CSO immediately upon termination of an individual who has been granted CJI access.
14. When relevant personnel are reassigned or transferred to other positions within the Pascua Yaqui Tribe, the User Agency's TAC shall review CJI access for that individual and notify the US DOJ CSO to initiate appropriate actions, such as closing and establishing accounts and changing system access authorizations. Each User Agency agrees to notify the US DOJ CSO immediately when personnel with CJI access approval have been reassigned or transferred to a different position.
15. The Pascua Yaqui Tribal *Personnel Policies and Procedures Manual*, or where relevant the *PYPD Policies and Procedures Manual*, shall apply to any individual failing to comply with established information security policies and procedures. Any failure shall result in some form of formal sanction as authorized in the relevant Manual, up to and including termination by the relevant User Agency.

16. Each User Agency shall ensure that all the background investigation documents be kept on file for review during audits.

**PASCUA YAQUI USER AGENCIES:**

\_\_\_\_\_  
[Redacted], Chief of Police Date: \_\_\_\_\_

\_\_\_\_\_  
[Redacted] Pascua Yaqui Chief Prosecutor Date: \_\_\_\_\_

\_\_\_\_\_  
[Redacted] Chief Judge of the Pascua Yaqui Tribal Court Date: \_\_\_\_\_

\_\_\_\_\_  
[Redacted], Director of the Department of Social Services Date: \_\_\_\_\_

\_\_\_\_\_  
[Redacted] Director of the Pascua Yaqui Tribal Housing Department Date: \_\_\_\_\_

\_\_\_\_\_  
[Redacted] Director of the Enrollment Department Date: \_\_\_\_\_

**PASCUA YAQUI TRIBE APPROVAL:**

\_\_\_\_\_  
Peter Yucupicio, Chairman  
Pascua Yaqui Tribe Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alfred Urbina, Attorney General  
Pascua Yaqui Tribe Date: \_\_\_\_\_