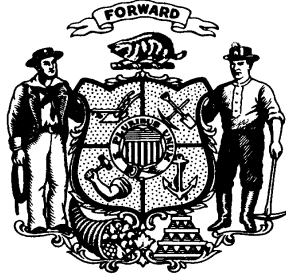


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December 21, 2009

Members of the Special Committee on State-Tribal Relations

Dear Special Committee members:

As you know, mutual assistance between tribal police departments and county sheriff's departments has long been an important part of law enforcement in many northern counties. Unfortunately, this cooperative arrangement has been greatly curtailed over the past year as a result of a legal opinion by Attorney General J.B. Van Hollen that the state's mutual assistance statute does not apply to tribal police departments. The Special Committee on State-Tribal Relations was asked to help seek solutions to this problem.

Last winter and spring, the St. Croix Band of Lake Superior Chippewa and Burnett County were in negotiations to establish a mutual aid agreement. Initially we, the Special Committee, waited to see if this process would produce a model for addressing the problem. When those parties had not concluded an agreement later in the year, committee members asked that the committee proceed in addressing the situation.

At my direction, staff held a meeting in August at Lac du Flambeau to get input on this subject. All tribal police chiefs in the state and their counterpart sheriffs were invited to this meeting, as were the respective tribal attorneys and county corporation counsels. Members of the Special Committee on State-Tribal Relations were invited, as well.

That meeting was well attended and very productive.

Staff reported to me that the participants in the Lac du Flambeau meeting unanimously agreed that the preferred solution is to return as closely as possible to the status quo that existed *in practice* before the Attorney General issued his opinion. That is, they recommended that the current law enforcement mutual assistance statute be amended to apply to tribal police departments. In making this recommendation, the participants included applying the provisions of that statute that relate to costs and liability to the tribal agencies, in the same manner that they apply to county and municipal agencies. Also, additional provisions would be required to ensure the enforceability of those provisions in light of tribal sovereign immunity. Finally, the participants agreed that the revised statute would apply to those tribal officers authorized to enforce state law under s. 165.92, Stats.

Following the Lac du Flambeau meeting, I directed staff to prepare legislation based on the recommendations that came out of that meeting. It had been my intention to convene a meeting of the Special Committee on State-Tribal Relations to discuss the draft, and I attempted to schedule a meeting in October, December, and January. However, each time we tried, we were unable to find dates suitable to a sufficient number of committee members. This was due in part to my legislative session schedule, and the intervening holidays. As a result, we find ourselves running short on time to enact this important legislation for our 2009-10 Legislative Session that ends April 22, 2010.

To ensure that this legislation can pass this session, I and Senator Robert Jauch, also a member of the Special Committee on State-Tribal Relations, have decided to introduce the legislation ourselves, rather than following the lengthier Legislative Council study committee process. However, we do not want to appear to by-pass the Special Committee. Before introducing the legislation, we would like to solicit your input regarding the appropriateness and adequacy of the approach recommended by the participants at the Lac du Flambeau meeting. To this end, I am sending to you the following materials:

1. A briefing memorandum with attachments that was prepared by staff in preparation for the August Lac du Flambeau meeting.
2. LRB-3581/1, the draft legislation based on the recommendations from that meeting.
3. Memo No. 3 to the Special Committee on State-Tribal Relations, *LRB-3581/1, Draft Legislation Relating to Mutual Assistance between Tribal and County or Municipal Law Enforcement Agencies* (December 18, 2009).

Please review the enclosed materials, especially the draft legislation and the memorandum describing it, and share with me any comments or concerns you may have regarding the draft. Senator Jauch and I would like to introduce this legislation no later than mid-January. In order for us to consider your input, we will need to hear from you ***no later than Friday, January 8, 2010***. Please send your input to the committee staff, David Lovell, Senior Analyst, and Heidi Frechette, Staff Attorney, at the address on the letterhead of this letter.

Thank you very much for your understanding and assistance as we work to advance this important legislation.

Sincerely,

Senator Spencer Coggs, Chair  
Special Committee on State Tribal Relations

SC:jr