

Tm 2015 - 04165



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

BRAD D. SCHIMEL
ATTORNEY GENERAL

Andrew C. Cook
Deputy Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Thomas C. Bellavia
Assistant Attorney General
bellaviatc@doj.state.wi.us
608/266-8690
FAX 608/267-2223

July 6, 2015

Ms. Rebecca L. Maki-Wallander
Ho-Chunk Nation Department of Justice
Post Office Box 667
Black River Falls, WI 54615-0667

Dear Ms. Maki-Wallander:

On April 18, 2011, the Wisconsin Department of Justice ("DOJ") provided a letter to Ho-Chunk Nation tribal attorney Kris M. Goodwill which confirmed that the Nation had supplied documentation that satisfied the requirements of Wis. Stat. § 165.92(3m)(a). Notice of that documentation is posted on DOJ's law enforcement website, "WILENET," at www.wilenet.org/html/tribal/index.html, pursuant to Wis. Stat. § 165.92(3m)(b). Satisfaction of those requirements means that the Nation's tribal law enforcement officers who have been certified by the Wisconsin Law Enforcement Standards Board can exercise state law enforcement powers, as provided in Wis. Stat. § 165.92.

It was subsequently determined, however, that the Nation had not satisfied all of the law enforcement mutual assistance eligibility requirements under Wis. Stat. § 66.0313(4)(a). More specifically, while the documentation previously submitted by the Nation was sufficient to satisfy some of those statutory requirements, it was not sufficient to satisfy the requirements of Wis. Stat. § 66.0313(4)(a)2. I subsequently corresponded both with Attorney Goodwill and with you about the steps needed in order to satisfy those requirements.

On May 21, 2015, you submitted to DOJ additional documentation intended to satisfy the statutory law enforcement mutual assistance eligibility requirements on behalf of the Ho-Chunk Nation Police Department. That documentation consisted of (1) Resolution 05-19-15F of the Ho-Chunk Nation Legislature, which waives the Nation's sovereign immunity to the limited extent necessary to allow the enforcement in state courts of the Nation's liability under Wis. Stat. §§ 66.0313(4)(a)2.a. and 66.0513; (2) a copy of the Nation's liability insurance policy

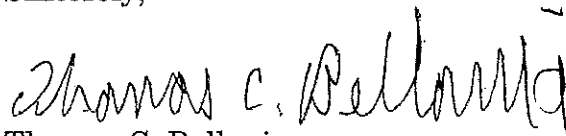
Ms. Rebecca L. Maki-Wallander
July 6, 2015
Page 2

and declaration form, policy no. NACL00722-03, issued by Hudson Insurance Group and including provisions related to Police and/or Law Enforcement Officers' Liability; and (3) an endorsement form amending the portion of policy no. NACL00722-03 related to Police and/or Law Enforcement Officers' Liability so as to expressly provide (a) that officers of a law enforcement agency supplying assistance to the Nation under Wis. Stat. § 66.0313 or under a written mutual aid agreement shall be deemed employees of the Nation for purposes of indemnification for liability judgments and defense costs, and (b) that the activities of such officers while supplying assistance under Wis. Stat. § 66.0313 or under a written mutual aid agreement shall be considered law enforcement activities as defined under the policy.

I am pleased to inform you that I have determined that the above documentation, together with the documentation previously supplied by the Nation to DOJ, is sufficient to satisfy the law enforcement mutual assistance requirements of Wis. Stat. § 66.0313(4)(a). Notice of the Nation's satisfaction of those requirements will be posted on WILENET, pursuant to Wis. Stat. § 66.0313(4)(b).

Thank you for your cooperation in this matter.

Sincerely,



Thomas C. Bellavia
Assistant Attorney General

TCB:ajw