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POLICE AND LAW ENFORCEMENT SERVICES**Section 1. Establishment of the Tribal Police Force**

There is hereby established a Tribal Law Enforcement Department within the Tribal Administration to be known as the “Kickapoo Tribal Police Department”. It shall be the duty of all employees assigned to the Kickapoo Tribal Police Department to serve the public by enforcement of the Tribal laws and rendering such assistance relative to law enforcement as may be necessary, and to protect all persons and property within the Tribal jurisdiction from criminal activities.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 2. Principal Chief in Command

It being the duty of the Chief to have general supervision of the affairs of the Council and of the Business Committee and to perform all duties appertaining to the office of Principal Chief, which duty includes the duty to see that the laws of the Kickapoo Nation are enforced, the Principal Chief shall be recognized as the Commander of the Kickapoo Tribal Police Department. The Principal Chief shall keep informed as to the efficiency and conduct of the Tribal Police in the discharge of their duties.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 3. Chain of Command

In administrative matters such as the purchase of supplies and equipment, personnel actions, budgeting requirements, and similar matters, the Chief of the Tribal Police Department shall report the affairs of the Department to the Principal Chief through the General Manager. In police matters such as incident reports, scheduling of duty officers, police efficiency reports, reports on prisoners in custody, reports of civil rights violations and police misconduct and similar matters, the Chief of the Tribal Police Department shall report the affairs of the Department directly to the Principal Chief. The Principal shall report the affairs of the Department directly to the business Committee at least once each month. When any question arises as to whether a particular police matter should be reported through the General Manager or directly to the Principal Chief, the determination of the Principal Chief on such question shall be final.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 4. Chief of the Tribal Police Department

The Principal Chief, with the advice and consent of the Business Committee expressed by resolution, shall appoint a person to be the Chief of the Tribal Police Department.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 5. Duties of the Chief of the Tribal Police Department

It shall be the duty of the Chief of the Tribal Police Department to:

- (a) Obey the lawful orders of the Principal Chief,
- (b) See that the orders of the Tribal Court are properly carried out, and to detach such police officers as may be necessary to carry out the orders of the Tribal Court and to act as bailiff or preserve order during the sessions of the Court.
- (c) Keep informed as to the efficiency and conduct of the Tribal Police in the discharge of their duties, and be responsible to the Principal Chief for the conduct and efficiency of the Officers and employees of the Department, giving them such instruction and advice as may be necessary.
- (d) Subject the Officers and employees of the department to regular inspection, inform them of their duties, and keep a strict accounting of the equipment issued them in connection with their official duties,
- (e) Report to the Principal Chief all violations of law or regulation and any misconduct of any member of the Tribal Police Department, investigate all reports and charges of misconduct on the part of the officers and employees of the department, and exercise such proper disciplinary measures as may be consistent with existing Tribal personnel policies and police regulations.
- (f) To have general charge over the affairs and activities of the Department and to supervise all Departmental personnel of lessor rank.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 6. Improper Assignment Prohibited

No person assigned to any division of the Tribal Police Department shall be assigned or detailed for official duty as a janitor or chauffeur or for any duty not connected with the administration of law and order.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

CHAPTER ONE

DEPARTMENT ADMINISTRATION**Section 101. Divisions within the Department**

The affairs of the Tribal Police Department shall be divided by the Chief of Police into an Enforcement Division, a Support Division, and an Administrative Division.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 102. The Administrative Division

The Administrative Division shall include employees engaged in such jobs as Secretary, File Clerks, Food Handlers, Jail Attendants, Dispatchers, and similar job functions which do not directly involve patrol, investigation, arrest and similar duties. Administrative Division personnel need not qualify in firearms training, nor shall they generally have police arrest powers or be issued or allowed to carry firearms. Administrative Division personnel who have a current firearms qualification and who have successfully completed the approved Basic Police Training course may be commissioned as a Police Officer and shall thereafter be authorized to carry firearms and make arrests to the same extent as are Officers in the Enforcement Division. Administrative Division employees may be commissioned as a Lighthouse Officer and shall thereafter be authorized to make arrests to the same extent as are Officers in the Support Division.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 103. Support Division

(a) The members of the Support Division shall be persons of good moral character who shall agree to serve the people of the Tribe without pay (other than reimbursement for expenses incurred when possible) in order to provide additional security forces in time of need, and shall be known as the Kickapoo Lighthouse. The Kickapoo Lighthouse may be issued uniforms distinct from the Officers of the Enforcement Division which shall bear the unit emblem of the Lighthouse unit to which they are assigned, and shall be worn by members of that unit when called to active duty. The various traditional clans and societies of the Tribe are encouraged to enlist in the Lighthouse as a unit, although units may be made up from single enlistments by the Chief of the Tribal Police.

(b) The Chief of the Tribal Police shall be in overall command of the Lighthouse, and may call one or more individuals or units of the Kickapoo Lighthouse to active duty at any time additional security forces are deemed necessary to protect the

public at such events or gatherings as General Council meetings, the annual Kickapoo Pow-Wow, the annual Kickapoo Rodeo, Tribal elections, and other dances or events within the Tribal jurisdiction when additional manpower is needed for security purposes. The Chief of the Tribal Police shall rotate the active duty calls on the various units of the Lighthorse so that security duties are distributed between the units as evenly as possible. Individual members or entire units of the Lighthorse willing to serve may be assigned to duty for courtroom security and bailiffs' duties in the Tribal Court, or to provide honor guards at funerals of members of the Lighthorse. However, these duties shall be entirely voluntary and may not be required.

(c) Members of any unit of the Kickapoo Lighthorse need not qualify in firearms training and shall not generally be authorized to carry firearms, however, they shall have police arrest powers when an active duty or when an offense is committed in their presence. Any person arrested by a member of the Lighthorse shall be delivered into the custody of an Officer of the Enforcement Division of the Tribal Police Department as soon as possible. Members of any unit of the Kickapoo Lighthorse who have a current firearms qualification and who have successfully completed the approved Basic Police Training course may be commissioned as a Special Tribal Police Officer and shall thereafter be authorized to carry firearms and make arrests to the same extent as are Officers in the Enforcement Division. Such Special Tribal Police Officers may wear a red braid upon the left shoulder of their uniforms and their commission card identifying them as a member of the Lighthorse shall indicate their status as Special Tribal Police Officers.

(d) In order to qualify as a member of the Kickapoo Lighthorse, a person must be:

(1) Not less than twenty-one years of age, and

(2) A member of the Kickapoo Tribe, or the spouse, parent, child, brother, sister, brother-in-law, or daughter-in-law of a member of the Kickapoo Tribe, and

(3) Of good moral character never having been convicted of a felony or other crime for which banishment is a possible punishment under Tribal law, and have, for a period of three years next preceding appointment and during service, have committed no crime other than minor traffic offenses and regularly abstained from being drunk or otherwise abusing alcohol or drugs.

(4) Have completed, submitted, and had approved by the Chief of the Tribal Police, an application on a form provided for that purpose, and have passed a check of the records of the Tribal Court, the Kansas State Bureau of Investigation, and the Federal Bureau of Investigation, and the Federal Bureau of Investigation for any criminal record, and

(5) Have taken a public oath to support and defend the Constitution and laws of the Kickapoo Tribe, to obey all lawful commands of superior officers, and to fairly and honestly perform the duties required of a member of the Kickapoo Lighthorse.

Special Lighthorse commissions may be granted to any person ineligible due to failure to meet qualification (d)(2) above upon request of the members of any unit of the Lighthorse with the approval of the Chief of the Tribal Police Department and the Business Committee and such person shall be assigned to the unit requesting the special commission.

(e) Upon taking the oath of office, and thereafter as an individual's rank changes or at intervals decided by Police regulation, each Lighthorse Officer may be issued a commission card containing the individual's photograph, name, rank, badge number, a statement as to whether the officer is authorized to carry firearms, the signatures of the Principal Chief and the Chief of the Tribal Police, a badge, a nameplate, and may be issued a uniform. Other equipment necessary to the officer's duties shall be issued as necessary when called to active duty. A member of the Lighthorse shall be expected to attend such amount of police training during each year as may be required by the Chief of the Tribal Police Department.

(f) The commission as a Lighthorse Officer shall continue during good behavior and continued eligibility for the life of the officer. Members of the Kickapoo Lighthorse shall be entitled to wear their uniforms at any organized function of the Tribe, to participate in all law enforcement training provided by the Tribe to the extent funds are available, to participate individually, by unit, or by division in all social activities sponsored by the Tribe or the Tribal Police Department, and to be recognized and treated as a veteran and warrior of the Tribe and burial with full Tribal Police honors.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 104. Enforcement Division

The Enforcement Division shall include employees engaged in providing direct patrol, investigation, arrest and similar regular functions of the Tribal Police Department. Enforcement Division personnel must maintain a current qualification in firearms training, and shall have police arrest powers. Enforcement Division personnel who do not have a current firearms qualification, or who do not successfully complete the approved Basic Police Training course within the required time, may be reassigned to the Administrative Division, demoted, or dismissed.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 105. Special Tribal Police Officers and Cross Deputization

Any member of the Kickapoo Lighthouse, and any person regularly employed as a law enforcement officer by the Federal Government, the State of Kansas or nay of its political subdivisions, or any Indian Tribe within the State of Kansas who would meet the minimum qualifications for entry as an officer in the Enforcement Division of the Tribal Police Department, may receive a Special Tribal Police Officer Commission upon the recommendation of the Chief of the Tribal Police Department and Principal Chief, with the approval of the Business Committee expressed by resolution. Such special commission shall entitle the bearer thereof to exercise the powers and duties of a member of the Enforcement Division of the Tribal Police Department when their assistance is requested within the Tribal jurisdiction by any Tribal official. Such officers shall be under the supervision of regular members of the Enforcement Division of the Tribal Police while actively involved in providing assistance within the Tribal jurisdiction, and shall be entitled to all the authority and immunities of a member of the Tribal Police in such situation.

Officers of the Enforcement Division and Support Division of the Tribal Police Department may accept, with the approval of the Chief of the Tribal Police, similar special or deputy commissions from other Indian Tribes in Kansas, the State of Kansas and any of its political subdivisions, and the Federal Government for which they are qualified, and are authorized, with the consent of their commanding officer or the officer in charge in an emergency situation, to provide all aid and assistance possible to the law enforcement agencies in surrounding jurisdictions on order to protect innocent lives and property, to provide better law enforcement services for all persons, and to apprehend violators of the laws.

All Enforcement Division Officers are encouraged to qualify for, and receive a Deputy Special Officer commission from the Bureau of Indian Affairs.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 106. Ranks

Police Officers of the Kickapoo Tribal Police Department, except Special Tribal Police Officers, shall be assigned one of the following ranks dependent upon their length of service, the extent of their duties of enforcement and supervision of other employees, and the needs of the Department according to the following descending order:

<u>Rank</u>	<u>Description</u>
A. Commander	Principal Chief, oversees all police activities
B. Chief of Police	Supervises all police activities. Conducts investigations.

- C. Captain
Supervises all police of a Division.
Conducts investigations.
- D. First Lieutenant
Supervises all activities of two or more Units in the Enforcement and Administrative Divisions, supervises all Activities of a unit in the Support Division.
Conducts investigations.
- E. Second Lieutenant
Supervises all activities of one unit in the Enforcement and Administration Divisions, Supervises all activities of a twenty person platoon in the Support Division. Conducts Investigations.
- F. Sergeant
Supervises all activities of a ten person Squad in the Enforcement and Support Divisions. Supervises a department within a Unit in the Administrative Division. In Service with the Tribe more than four years with good behavior, and/or other special qualifications. Patrol and assist in investigations.
- G. Police Officer I
(First Class)
Supervises a two-five person patrol group in the Enforcement or Support Divisions. In service with the Tribe for than two years with good behavior, and/or other special qualifications. Patrol and assists in investigations.
- H. Police Officer II
(Second Class)
In Service with the Tribe more than one year with good behavior in the Enforcement or Support Divisions. May supervise trainees, or entry level personnel, as needed. Patrol and assists in investigations.
- I. Police Officer III
(Third Class)
Entry level patrol officer in the Enforcement or Support Divisions. Patrol and assist in investigations.

- J. Administrative Officer I In service with the Tribe in the Administrative Division for more than two years with good behavior, and/or other special qualifications. May supervise Administrative Officers as needed. Equivalent to Police Officer I in rank.
- K. Administrative Officer II In service with the Tribe more than one year with good behavior. May supervise entry level Administrative Officers as needed. Equivalent to Police Officer II in rank.
- L. Administrative Officer III Entry level personnel in the Administrative Division. Equivalent to Police Officer III in rank.

The Chief of the Tribal Police Department shall, with the written approval of the Principal Chief, hire, fire, discipline, promote, and demote as necessary persons from and to all ranks of Sergeant and below. The Chief of the Tribal Police Department shall, with the approval of the Business Committee expressed by resolution, hire, fire, discipline, promote, and demote as necessary persons to and from all ranks from the rank of Lieutenant to the rank of Captain, provided that in selecting supervisory personnel for the Kickapoo Lighthouse, each Officer selected, except the Captain, shall be a member of some unit of the Lighthouse. The choice of the unit or units which the Officer, including the Captain of the Lighthouse, will supervise shall be given great, but Not conclusive, weight in the selection or promotion of such Officers.

The police regulations promulgated pursuant to this Title shall provide for Distinctive and easily identifiable markings, badges, or other indication of rank which shall be worn at all times that the Officer is in uniform or on active duty.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 107. Enforcement Division Uniforms

All Officers in the Enforcement Division shall be issued a Tribal Police Uniform which shall be distinct from the uniforms of the Administrative and Support Divisions, a badge, nameplate, firearm, and such other equipment as is deemed necessary by the Chief of Police and authorized in the regulations of the Police Department.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 108. Administrative Division Uniforms

The personnel of the Administrative Division may be required to wear a uniform by the regulations of the Police Department, and if so, uniforms distinct from the uniforms of the Enforcement and Support Divisions shall be issued to such persons. All personnel of the Administrative Division shall wear a name tag while on active duty identifying them as personnel of the Police Department.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 109. Commission Cards for Enforcement Division Officers

Each Enforcement Division Officer and the Chief of the Tribal Police shall, upon taking their oath of office, and thereafter as an individual's rank changes, or at intervals decided by Police regulation, be issued a commission card containing the officer's photograph, name, rank, badge number, the fact that the officer is authorized to carry firearms and make arrests, the fact that such person is a commissioned law enforcement officer of the Kickapoo Tribe, the signatures of the Principal Chief and the Chief of the Tribal Police, and the words:

Kickapoo Tribal Police Department
Kickapoo Police
Law Enforcement Service
Kickapoo Nation
Horton, Kansas

across the top of such commission.

(History" PUBLIC LAW #KT 90-14, February 6, 1990)

Section 110. Identification to be Shown upon Request

Every member of the Kickapoo Tribal Police Department shall carry their commission (or other identification in the case of non-commissioned employees) with them at all times when on active duty, and shall, as soon as reasonably practical under the circumstances, exhibit such commission or identification and give their name, rank, and badge number upon request of any person.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 111. Authority to Make Police Regulations

The Chief of the Tribal Police Department is hereby authorized and empowered to make any useful or necessary rule or regulation, not inconsistent with this Title or any other provision of Tribal law or the Indian Civil Rights Act, to promote the efficient, safe, and honest conduct of the activities of the Department. Every such rule or regulation

shall be filed for record in the office of the Tribal Secretary and the Clerk of the Tribal Court prior to becoming effective. A copy of every such rule and regulation shall be delivered to the Principal Chief and the Business Committee at or prior to the time of filing. The Principal Chief or the Business Committee may vacate or modify any such rule in writing filed with the Tribal Secretary and the Clerk of the Tribal Court.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 112. Tribal Prosecutor and Tribal Attorney as Special Officers

The Tribal Prosecutor/District Attorney, as the chief prosecutor of the Tribe, and the Tribal Attorney (when the Tribal Attorney shall agree to serve), as the chief legal officer of the Tribe, upon qualification in an approved firearms training course, shall be granted a commission as a Special Tribal Police Officer of the Enforcement Division. Such persons shall not receive extra compensation for their activities as Special Tribal Police Officers, but shall receive compensation, compensatory time off, and other benefits for their activities as Special Tribal Police Officers at the regular rates for their other duties.

Section 113. Legal Assistance to the Tribal Police Department

The Principal Chief or the Chief of the Tribal Police Department is authorized to request, and the Tribal Prosecutor/District Attorney and the Tribal Attorney are authorized to give legal advice and assistance upon questions of importance affecting the performance of the duties of Tribal Police Officers either personally at the scene of an incident, orally whether in person or by telephone, or by written memorandum. In cases involving serious offenses, and when the need for immediate information or advice is critical to protect persons or property or to preserve the integrity of a criminal case, the officer in charge of the immediate scene of the incident or place where such questions arise may contact the Tribal Prosecutor/District Attorney or the Tribal Attorney immediately without first submitting a request for such information through superior officers. In every such case, the officer taking such action shall promptly file a report through the immediate superior officer to the Police Chief describing the action taken and detailing the reason immediate information was necessary under the circumstances.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 114-200. Reserved

CHAPTER TWO

TRAINING AND FIREARM STANDARDS**Section 201. Police Training**

It shall be the duty of the Chief of the Tribal Police to maintain, from time to time, as circumstances require and permit, classes of instruction for the members of the Tribal Police Force. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities, and with court orders and legal forms and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with the citizens of the Tribe, other residents of the tribal jurisdiction, and surrounding communities in establishing better social and governmental relations.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 202. Uniforms

Uniforms, when worn, shall positively identify the wearer as a law enforcement officer. Badge, name plate and tribal identification patch shall be visible at all times. Uniforms of each Division of the Tribal Police Department shall be plainly and easily distinguishable, even at a distance. Each officer and employee of the Police Department shall be issued a standard commission card or identification card bearing a photograph of the officer or employee.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 203. Unauthorized Wearing of Police Uniforms Prohibited

It shall be unlawful for any person not a member of the Tribal Police Department, or not honorably retired from active duty from the Tribal Police Department, to wear the uniform of a member of the Tribal Police Department. Any Indian violating the provisions of this section shall be fined not more than five hundred dollars (\$500.00). In every case, such uniform shall be confiscated as contraband. This section shall not apply to such uses of the Tribal Police uniform as may be authorized by the Chief of the Tribal Police Department in writing or by regulation for plays, educational events, police department activities and similar functions.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 204. Use of Firearms and Other Force

(a) A firearm may be discharged in the line of duty only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person, or when the officer is attempting to apprehend a fleeing person who has committed a felony or a banishment offense which resulted in the death or serious bodily injury of another person in the presence of the officer and no other reasonable means will prevent escape, or when the person is an escaped felon convicted of an offense which involved the death or serious bodily injury of another and no other reasonable means will prevent escape.

(b) The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training, the private use of firearms in target practice at the police range or other target range while off duty, the private use of firearms while hunting while off duty, or the use of firearms, whether on or off duty to kill a dangerous or seriously injured animal.

(c) In other situations, a Police Officer may use any reasonable force, but not including deadly force, necessary to prevent or halt unlawful activity conducted in the presence of the officer or to apprehend or recapture a person subject to arrest.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 205. Report of Firearm Use

Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the Officer who used the weapon and forwarded through the chain of command to the Principal Chief. Whenever use of a weapon results in serious injury or death of any person, the officer firing the weapon shall be placed on administrative leave, or be assigned to the Administrative Division or other strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident. The investigation shall be conducted by the Business Committee who shall hold a public hearing upon notice to determine the facts of the case and whether in the circumstances the use of the firearm was justifiable. If the Business Committee determines that the use of the firearm was justified, the Officer shall be returned to active duty at he officer's prior assignment. If the Business Committee determines that the use of the firearm was not justified, the Officer shall be subject to such disciplinary action, including a referral to the Tribal Prosecutor or United States Attorney for prosecution as may be appropriate. The Police Officer shall have the right to appeal an adverse decision of the Business Committee to the Tribal Court.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 206. Firearms Qualification

Each law enforcement officer in the Enforcement Division, and any other officer who shall be licensed to carry firearms, must have attained a score of 70 percent or better on an approved firearms qualification course within the previous six months to be qualified to carry a firearm. Whenever an officer's firearms qualification lapses, the officer shall return all firearms issued to the officer. Failure to maintain qualification may result in demotion or dismissal. The following courses are approved firearms qualification courses:

- (a) The National Rifle Association National Police Course.
- (b) The National Rifle Association 25-Yard Course.
- (c) The National Rifle Association Practical Pistol Course.
- (d) The Federal Bureau of Investigation Practical Pistol Course.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 207. Types of Weapons and Ammunition to be Used

(a) The following types of firearms and ammunition may be issued or used by members of the Tribal Police Department subject to the regulations of the Department:

- (1) .357 magnum caliber pistol and standard factory load ammunition. Revolvers only.
- (2) .38 caliber pistol and standard factory load ammunition. Revolvers and two shot derringer only.
- (3) .233 caliber rifle and standard factory load ammunition. Bolt action, semi-automatic, or fully automatic upon compliance with any federal regulation regarding fully automatic weapons.
- (4) .30 caliber rifle or equivalent and standard load factory ammunition. Bolt action and semi-automatic only.
- (5) 12 gauge shotgun and standard factory load 1 buckshot or slugs. Pump or semi-automatic only.

(6) With the approval of the Business Committee, any pistol or rifle which may be obtained from the federal government as surplus property for use by tribal law enforcement personnel.

Pistols shall have a barrel length not less than two nor more than six inches. Rifles and shotguns shall have full length factory barrels and shall not be "cut down", "sawed off", or special ordered with shorter barrels than are readily available to the public. Rifles and shotguns shall not generally be carried by police officers, but may be assigned to patrol vehicles or otherwise issued to members of the Police Department authorized to carry firearms in cases when the need for such weapons is determined by an officer above the rank of Second Lieutenant.

Police Officers shall be issued and may use such other firearm and non-firearm auxiliary equipment as the regulations of the Department shall allow.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

CHAPTER THREE

TRAINING AND EMPLOYEE QUALIFICATIONS**Section 301. Training of Police Officers**

(a) Newly employed Police Officers of the rank of Police Officer I, Police Officer II, or Police Officer III shall successfully complete, prior to or within their first year of service in that rank, the approved Basic Training Police Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Business Committee and the law enforcement division of the Bureau of Indian Affairs. An officer who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training shall be discharged or transferred to a position in the Administrative Division. Transfer may result in demotion.

(b) Newly employed Police Officers of the rank of Sergeant shall successfully complete, prior to or within their first year of service in that rank, the approved Supervisory Enforcement Officer Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Business Committee and the law enforcement division of the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training, shall be discharged or transferred to a non-supervisory position. Transfer may result in demotion.

(c) Newly employed Police Officers of the rank of First Lieutenant or Second Lieutenant shall successfully complete, prior to or within their first year of service in that rank, the approved Criminal Investigator Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Business Committee and the law enforcement division of the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training, shall be discharged, demoted to Sergeant, or transferred to a position in the Administrative Division. Transfer may result in demotion.

(d) Newly employed Police Officers of the rank of Captain or Chief of Police shall successfully complete, prior to or within their first year of service in that rank, the approved Executive Management Course of Training conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Business Committee and the law enforcement division of the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for lack of

Tribal funds to pay for such training, shall be discharged, demoted to First Lieutenant, or transferred to a position in the Administrative Division. Transfer may result in demotion.

(e) Each law enforcement officer in the Enforcement Division, all Captains, and the Chief of Police shall receive a minimum of forty hours of local in-service training annually to meet training needs determined by the Principal Chief or the Chief of Police, and to keep abreast with developments in the field of law enforcement.

(f) The provisions of this Section shall not apply to personnel in the Administrative Division, the Support Division, or special officers except as otherwise provided in this Title or by regulation of the Police Department. Unless otherwise prohibited by Police regulation or federal funding requirements, completion of equivalent state or federal training programs shall, upon approval by the Business Committee, constitute compliance with this section.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 302. Entry Level Qualifications

(a) For all positions funded by the Bureau of Indian Affairs, the Civil Service Commission accepted Bureau of Indian Affairs standards for skill level GS-083 are the minimum entry level qualifications for officers of the rank of Sergeant and below. The Civil Service Commission standards for skill level GS-1811 are the minimum entry level qualifications for officers of the rank of Second Lieutenant and above.

(b) For all positions funded by Tribal funds, the minimum entry level qualifications for officers of the rank of Sergeant and below are:

(1) Not less than twenty-one years of age, and

(2) Of good moral character never having been convicted of a felony or other crime for which banishment is a possible punishment under Tribal law, and have, for a period of three years next preceding appointment and during service, have committed no crime other than minor traffic offenses and regularly abstained from being drunk or otherwise abusing alcohol or drugs.

(3) Have completed, submitted, and had approved by the Chief of the Tribal Police and any other required approval by Tribal authorities, an application on a form provided for that purpose, and have passed a check of the records of the Tribal Court, the Kansas State Bureau of Investigation, and the Federal Bureau of Investigation of any criminal record, and

(4) Have completed high school or received an equivalency certificate from an authority authorized to grant such certificate.

- (5) Have taken a public oath to support and defend the Constitution and laws of the Kickapoo Nation, to obey all lawful commands of superior officers, and to fairly and honestly perform the duties required as a member of the Tribal Police Department.
 - (6) Satisfy any other requirement established by Police regulations.
- (c) For all positions funded by Tribal funds, the minimum entry level qualifications for officers of the rank of Second Lieutenant and above are:
- (1) Meet all the qualifications established under subsection (b) of this Section.
 - (2) Have completed at least 60 credit hours of college courses from an accredited institution, or have at least five years full time law enforcement experience.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

CHAPTER FOUR

DISCIPLINARY ACTIONS**Section 401. Disciplinary or Other Adverse Employee Actions**

Prior to taking an adverse disciplinary action against any employee, the Police Department, Police Chief, Principal Chief, Business Committee or other authority authorized by this Title or Police regulation to discipline law enforcement officers shall take the following steps:

- (1) Notify the employee of the contemplated action and give a full specification of the reasons such action is contemplated.
- (2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the disciplining authority alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.
- (3) Set a hearing date not less than 15 days after the employee has been given the written statement of allegations.
- (4) Provide the employee and the employee's counsel at the hearing with an opportunity to confront and cross-examine each adverse witness.
- (5) Provide the employee and the employee's counsel at the hearing with an opportunity to delineate issues, to present factual contentions in an orderly manner and to generally protect the employee's interest.
- (6) Reconsider the decision to take the adverse action based solely on the evidence given at the hearing and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the evidence relied upon in reaching the decision.
- (7) Issue a final order based on the decision reached after the hearing.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 402. Code of Conduct

The Police Chief shall by regulation establish a law enforcement code of conduct and shall require each law enforcement officer employed or commissioned by the Department to adhere to the law enforcement code of conduct prescribed by the regulations. The code shall establish specific rules concerning conflicts of interest,

employee conduct both on and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts or favors. The code shall ensure that certain standards of conduct are included which will require each law enforcement officer to be capable of performing that officer's duties to the greatest extent possible.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 403. Statistical Reports

The Tribal Police Department may use the same report forms and submit the same statistical reports to the same Central Office that are required of the Bureau of Indian Affairs police programs.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 404. Civil Rights Violations

(a) When a law enforcement officer receives an oral or written allegation that a law enforcement officer employed by the Tribal Police Department has violated the civil rights of any person, the officer receiving the allegation shall prepare a written report of the allegation and transmit it through the chain of command to the Principal Chief within seven days of receipt of the allegation. The Principal Chief shall deliver a copy of the report to the chief law enforcement officer, Horton Agency, Bureau of Indian Affairs. The Business Committee shall conduct a hearing concerning the incident as provided in Sections 205 and 401 to determine whether the allegations are true and, if so, the disciplinary action to be taken.

(b) If the incident occurs while the Tribal Police Department is receiving federal funds, then not later than seven days after being notified of the allegation, the chief law enforcement officer of the Horton Agency shall take the following actions:

(1) Notify the Federal Bureau of Investigation, the agency superintendent or contracting officer's representative, and the Business Committee. The notice to the Federal Bureau of Investigation shall state whether an investigation is being conducted to determine whether Tribal law was violated and shall cite any relevant provisions of the Tribal code.

(2) If the officer against whom the allegation is made is an employee of the Bureau of Indian Affairs, prepare a memorandum to the superintendent, who shall, through the area director and the Assistant Secretary-Indian Affairs, transmit to the Director, Office of Audit and Investigation, a request that the allegation be investigated to determine whether any administrative action is warranted. The memorandum shall be transmitted through the superintendent and the area director. The Business Committee shall receive a copy of any such memorandum.

(3) If the officer against whom the allegation is made is an employee of the Tribe, notify both the top Bureau of Indian Affairs law enforcement officer assigned to the agency and the Business Committee. If there is no Bureau of Indian Affairs law enforcement officer at the agency, the superintendent and the area special officer shall be notified.

(c) If the chief law enforcement officer is accused of a civil rights violation, the report of the allegation shall be transmitted directly to the agency superintendent, who shall take the actions required by paragraph (2) of this section. If there is no agency superintendent, the report of the allegation shall be transmitted directly to the area director, who shall take the actions required by paragraph (2) of this section.

(d) As soon as all actions required by paragraphs (a), (b), and (c) of this section have been completed, a copy of all documents concerning the allegation shall be transmitted to the Chief, Division of Law Enforcement Services, in the Central Office of the Bureau of Indian Affairs.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

CHAPTER FIVE

DETENTION PROGRAMS**Section 501. Minimum Standards for Detention Programs**

The detention and jails unit of the administrative Division of the Tribal Police Department and any contractor of jail services which receives federal funds shall meet the following minimum standards:

- (a) No sick or injured person may be booked or held in a detention facility unless a medical release has been obtained from a medical officer.
- (b) Any inmate requiring medical attention shall be treated as soon as possible.
- (c) The jailor or other responsible employee shall maintain control over the custody and issue of all medicine to prisoners under treatment for chronic ailments to insure proper use and to guard against overdose.
- (d) Routine inspections of all cells shall be conducted every thirty (30) minutes to protect the safety and welfare of prisoners. A record of each inspection shall be logged in appropriate records.
- (e) Only persons who have been specifically authorized by the jailor to visit a prisoner or prisoners may be allowed in the cell block areas.
- (f) Special attention shall be given to cells occupied by persons jailed for intoxication to guard against the infliction of personal injury.
- (g) No juvenile may be kept in the same cell with any adult, nor shall prisoners of opposite sexes be kept in cells within open view of each other.
- (h) Each prisoner shall be served three nutritionally adequate meals a day.
- (i) Each food handler shall be given a medical examination and, if training in food handling is available locally from the Indian Health Service, shall complete the food handler training offered by the Indian Health Service prior to employment.
- (j) All jail facilities including kitchens shall be subject to periodic inspections by personnel from the Indian Health Service or other appropriate agency to insure proper sanitary conditions.

(k) The number of persons in each cell may not exceed the number for which the cell was designed.

(l) A record of all visitors shall be maintained indicating date, time and identity of each visitor.

(m) Proper precautions shall be taken to insure the safekeeping of property belonging to inmates.

(n) Prior to, or within six months after, promotion or appointment to a position involving detention/jail duties, and employee shall successfully complete a Detention/Jail Operations and Management Training Course approved by the Commissioner of Indian Affairs. An employee who is serving in a position involving detention/jail duties and fails to complete the training required by this paragraph shall be transferred to a position not involving detention/jail or law enforcement duties or discharged. Transfer may result in demotion.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

CHAPTER SIX

MISCELLANEOUS PROVISIONS**Section 601. Return of Equipment**

Upon the resignation, death or discharge of any member of the Tribal Police all articles or property issued in connection with the employee's official duties must be returned to the Chief of Police or the officer's representative. This provision may be waived by Police regulation as to uniforms and other equipment other than firearms for officers honorably retired or in case of death while in service.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 602. Delegation and Assignment of Duties

By Police Regulation, the duties of the Chief of Police may be delegated to other positions within the Police Department. The Chief of Police shall assign such duties to officers and employees of lesser rank as may be necessary for the proper functioning of the Department.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 603. Immunities

No member of the Tribal Police Department, and no person acting at the request and direction of such member during an emergency situation, shall be held to answer for any personal civil or criminal liability for actions taken within the scope of the person's authority while in the discharge of the Officer's Police duties under law.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 604. Bonding

The Chief of Police by regulation shall provide for the bonding of all police officers in the enforcement division, and such other officers as may be bonded in an amount determined by the Chief of Police with the consent of the Business Committee. The cost of such bonds shall be paid from Tribal funds. The sovereign immunity of the Tribe is hereby waived in the Tribal Court only, and only to the extent and scope of the coverage of such bonds as may be in force at any particular time, as to actions by persons injured due to excessive use of force, violation of civil rights, or other cause inflicted by Tribal Police Department personnel. This section shall not be construed to provide any independent cause of action against either the Tribe or its Police Officers.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)

Section 605. Current Employees

(a) Those persons currently employed by the Tribe as Security Officers shall constitute the original staff of the Tribal Police Department at such ranks and rates of pay as shall be determined by the Business Committee.

(b) Time in service of current and prior security officers shall be deemed to be time in service with the Tribal Police Department for purposes of promotions and retirement.

(c) Notwithstanding any other provision of this act current Security Officers shall have a period of not less than two years in which to successfully qualify for entry as a Police Officer third class prior to being discharged or re-assigned to non-enforcement duties, provided that such officers shall qualify to carry firearms as herein provided before such officers shall be issued or allowed to carry any firearms.

(History: PUBLIC LAW #KT 90-14, February 6, 1990)