

**Title 3. Health and Public Safety – Chapter 301**  
**ONEIDA NATION LAW ENFORCEMENT ORDINANCE**  
**Shakotiye·nás Olihwáke**  
*The Matters of Those Who Protect Us*

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**301.1. Purpose and Policy**

301.1-1. The purpose of this ordinance is to regulate the conduct of the Oneida Tribe of Indians of Wisconsin law enforcement personnel according to the highest professional standards.

**301.2. Adoption, Amendment, Repeal**

301.2-1. This law is adopted by the Oneida Business Committee by BC Resolution 10-10-01-C and amended by resolution BC-02-25-15-C.

301.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

301.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

301.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

301.2-5. This ordinance shall be known as the Oneida Law Enforcement Ordinance.

**301.3. Definitions**

301.3-1. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) Certified Law Enforcement Officer shall mean a sworn officer who meets all qualifications for law enforcement officer, including accepted professional training and experience, State of Wisconsin Certification or eligibility for Certification which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.

(b) Police Supervisors are defined as law enforcement officers who hold the rank of Sergeant or above.

(c) Non-sworn Personnel shall mean those persons who perform duties for the Oneida Police Department as directed by the Police Chief or designee.

(d) Oneida Police Commission shall refer to the entity made up of those individuals appointed by the Oneida Business Committee to serve in the capacity of insuring that community input is maintained within the Oneida Police Department by means of policy review and enforcement.

(e) Commissioner shall mean a member of the Oneida Police Commission.

(f) Oneida Tribe means the Oneida Tribe of Indians of Wisconsin.

(g) Judiciary means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

### **301.4. General Principles.**

301.4-1. All operations shall take place on and within Oneida Reservation unless there is a potential that safety and welfare of an individual is being compromised. In addition, law enforcement operations may take place pursuant to mutual aid agreements with local governments.

301.4-2. All law enforcement operations shall be conducted as set forth in this ordinance.

301.4-3. Law enforcement operations shall be used primarily for the purposes of providing law enforcement within the Oneida Community and to supplement external law enforcement services offered by local governments within the Oneida Community by powers set forth in 301.4, section 1(f) of the Constitution of the Oneida Tribe of Indians of Wisconsin, and as set forth in compacts and agreements authorized by the Oneida Business Committee or General Tribal Council.

301.4-4. The Oneida Tribe of Indians of Wisconsin shall appoint and employ law enforcement personnel within its boundaries as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws and ordinances of the Oneida Tribe, in addition to protection of persons, property, and premises.

301.4-5. The Oneida Police Department may, as authorized and delegated by this Ordinance and the Oneida Business Committee or General Tribal Council, enter into cross-deputization and other law enforcement agreements with other jurisdictions.

301.4-6. The Oneida Police Department may allow law enforcement use of service firearms in order to protect life, liberty, property, land and premises, according to the usual and minimum accepted law enforcement standards as determined by the Police Chief with approval of the Oneida Police Commission. However, actual use of deadly force shall be allowed solely for the protection of life or the prevention of grievous bodily harm.

301.4-7. A Police Commission is established by this Ordinance to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Oneida community and to allow for community input regarding those law enforcement services through its representatives on the Police Commission. This entity is created as an oversight body and does not involve decision making processes on day to day activities of those law enforcement services.

### **301.5. Oneida Police Department**

301.5-1. There is hereby established an Oneida Police Department, to which is delegated all law enforcement authority of the Oneida Tribe.

(a) Oneida Police Chief. The Department shall be headed by a Police Chief, appointed pursuant to Section 6-5 of this Ordinance.

(b) The Police Chief shall have authority over departmental personnel and operations, subject to the powers of the Oneida Police Commission set forth in Section 301.6-1 of this Ordinance.

(c) In addition to such divisions as are specified in this Ordinance the Oneida Police Department may create divisions of operation as may be deemed appropriate.

(d) The Police Chief or his/her designee shall have the right to exercise his/her police

authority to deputize and use the services and manpower of the Oneida Security Department for emergencies, special events, and investigations.

301.5-2. Conservation Department. There shall be a Conservation Department which is a division of the Oneida Police Department. This division shall be responsible for the protection of all fish resources, wildlife resources, and the lands of the Oneida Tribe.

301.5-3. Law Enforcement Officers.

(a) Law Enforcement Officer: Educational Requirements. All persons hired after February 1, 1993, shall meet the minimum education requirements within five years of the hire date, which are as follows:

- (1) Possess a two year associate degree from a Wisconsin vocational, technical, and adult education district or its accredited equivalent from another state, or
- (2) Possess documentation showing a minimum of 60 fully accredited college level credits. Documentation will be required in the form of an official transcript; or
- (3) Possess a bachelors degree from a Wisconsin college or university or its accredited equivalent.

(b) Conditional Employment. Persons hired after February 1, 1993, who are not certified law enforcement officers at the time of hire, are considered conditional employees and must attain the educational requirements as specified in section 301.5-3(a), within five years of their date of hire. Conditional employees are not eligible for promotion. Law enforcement officers who fail to meet the specified requirements in section B, shall be subject to immediate termination.

(c) Educational Requirement: Police Supervisors. Upon enactment of this ordinance, no law enforcement officer may be considered eligible for promotion to supervisor until the educational requirements of section 301.5-3(a) have been satisfied. Law enforcement officers promoted prior to the enactment of this ordinance are exempt from the educational requirements specified in section 301.5-3(a).

(d) Oneida Police Department Position Restrictions/Exceptions. The following positions shall be held only by members of the Oneida Tribe: Police Chief, Assistant Chief, Police Lieutenant or Sergeant, Conservation Director, and Assistant Conservation Director. All other positions and appointments shall be subject to the Indian Preference rules of the Oneida Tribe.

301.5-4. Liability Coverage. The Oneida Tribe shall provide professional liability insurance for all law enforcement officers and Conservation Officers.

301.5-5. Declaration of Additional Restrictions of Employees. All personnel of the Oneida Police Department shall be bound by Standard Operating Procedures that are required as a result of the specific and unique needs of law enforcement.

301.5-6. Law Enforcement Officers to Be Sworn. All law enforcement officers shall be installed by sworn oath before the Oneida Business Committee at a regular meeting.

### **301.6. Oneida Police Commission**

301.6-1. Oneida Police Commission. There is hereby established an Oneida Police Commission that shall be responsible for and empowered to do the following:

- (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.
- (b) Approve all law enforcement officer appointments made by the Police Chief including the promotion of subordinates.

- (c) Adopt, modify, and repeal rules governing how lists of individuals, concluded to be eligible for appointment to law enforcement officer and promotion, are established.
- (d) Approve competitive examinations used to judge suitability for appointment or promotion of law enforcement officers.
- (e) Approve an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion.
- (f) Suspend law enforcement officers or other appointed personnel of the Police Department pending the filing and hearing of charges against them, subject to the provisions of 301.10.
- (g) Initiate charges against law enforcement officers or other appointed personnel of the Police Department.
- (h) Hear charges filed against law enforcement officers or other appointed personnel of the Police Department, whether filed by the Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination.
- (i) Hear appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel.
- (j) Adopt rules governing the Oneida Police Commission's management of its own activities.
- (k) Review contracts, and forward to the Oneida Business Committee for approval, concerning cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency.
- (l) Approve Standard Operating Procedures of the Oneida Police Department.

301.6-2. Appointment of Commissioners. The Oneida Business Committee shall appoint five members to the Oneida Police Commission for a term of five years. Commissioners may serve more than one term, but not more than three consecutive terms.

301.6-3. Commissioner Requirements and Qualifications. The following are membership requirements for serving on the Oneida Police Commission:

- (a) Shall be a member of the Oneida Tribe.
- (b) Must be 25 years of age or older.
- (c) Satisfactory background investigation. The following would prohibit any person from serving on the Oneida Police Commission:
  - (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.
  - (2) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.
  - (3) A conviction of any ordinance violation that could bring discredit to the Commission.
  - (4) Any pardon issued by the Oneida Tribe or the governor of any State, for an offense specified in sections 301.6-3(c)(1)-(3), shall not deem a person as "exonerated" for the purposes of membership on the Oneida Police Commission.
- (d) Must submit to drug testing prior to appointment and on an annual basis.
- (e) Must not be an employee of the Oneida Police Department
- (f) Shall attend applicable training.
- (g) Must be a person of known good standing in the community.

301.6-4. Removal From Office. In addition to the Removal Law standards, a Commissioner

may be removed for:

- (a) Malfeasance in office.
- (b) Conduct which could jeopardize the reputation of the Oneida Tribe, the Oneida Police Commission, or the law enforcement system.
- (c) Any change in status which would place the Commissioner in conflict with the qualifications specified in section 301.6-3(c) above.
- (d) Violation of the confidentiality of closed hearings or any other information declared "confidential" by the Oneida Police Commission.

**301.6-5. Qualifications and Process for Appointment as Police Chief.**

- (a) The recruitment and hiring process for Police Chief shall be conducted by the Oneida Police Commission, with assistance, as needed, by the Human Resources Department.
- (b) No person shall be accepted as a candidate or be eligible to serve as Police Chief who does not meet the following qualifications:
  - (1) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from State of Wisconsin Standards Board.
  - (2) Member of the Oneida Tribe.
  - (3) A minimum of five (5) years creditable service as a sworn law enforcement officer for a state, tribal, local or federal government, with preference for (i) those who have at least an associate degree in police science, criminal justice or similar field, or a bachelor's degree in a related subject; and (ii) those with successful supervisory experience.
  - (4) Current satisfactory background investigation completed by the Security Department or a law enforcement agency selected by the Oneida Police Commission with results of the investigation reported directly to the Oneida Police Commission.
  - (5) Current satisfactory psychological examination report.
  - (6) Current satisfactory medical examination report.
  - (7) Current drug test with negative results for controlled substances.
- (c) Examinations, interviews, further selection criteria and other processes utilized in the hiring process of a Police Chief shall be at the discretion of the Oneida Police Commission,
- (d) Upon accepting retirement notification or the resignation of a current Police Chief, the Oneida Police Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new chief can be completed.

**301.7. Appointment of Law Enforcement Officers**

301.7-1. Job Task Analysis. The Police Chief shall develop a Job Task Analysis (job description) for law enforcement officers and submit to the Oneida Police Commission for approval.

301.7-2. Hiring Criteria. Hiring criteria for law enforcement officers, shall be developed by the Oneida Police Commission and implemented by the Police Chief; and must include, but is not limited to:

- (a) educational requirements,
- (b) satisfactory background investigation,
- (c) psychological examination, and
- (d) medical certification.

301.7-3. Hiring Process Outline. A Hiring Process Outline shall be developed by Oneida Police Commission and implemented by the Police Chief. The Hiring Process Outline will detail specific steps involved in the hiring process for law enforcement officers, and steps in the process involving scoring, rank scoring, or grading shall be specified, as well as passing grades or scores. The Hiring Process Outline shall include all pertinent steps involved in the hiring process including but not limited to:

- (a) application process,
- (b) application screening,
- (c) written test procedures,
- (d) oral interviews,
- (e) physical agility testing,
- (f) background investigation,
- (g) conditional offer of employment, and
- (h) psychological and medical testing.

301.7-4. Approval of Additional Law Enforcement Personnel.

- (a) The Police Chief shall make a request for the hiring of additional law enforcement personnel through the Human Resources Department processes.
- (b) Upon receiving approval, the Police Chief shall make a formal request to the Human Resources Department for posting the position(s) available. The current Job Task Analysis, Hiring Criteria, and Hiring Process Outline shall be submitted to the Human Resources Department by the Police Chief.

301.7-5. Process. All phases of the hiring process shall be in accordance with the Hiring Process Outline. Duties and responsibilities of persons involved in the process shall be specified in the outline.

301.7-6. Eligibility List.

- (a) Upon completion of all screening steps of the Hiring Process Outline, a list shall be compiled of all candidates based on cumulative scores earned by each applicant in all graded or scored steps of the current hiring process.
- (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the highest cumulative score is ranked "1", the candidate with the second highest cumulative score is ranked "2", etc.
- (c) The list shall be reviewed and approved by the Oneida Police Commission and submitted to the Police Chief.
- (d) The eligibility list will be valid for one year from the date it was compiled.
- (e) The order of appointment of applicants to the position of law enforcement officers shall follow the order of the eligibility list contingent upon satisfactory background investigation, psychological testing and medical testing.

301.7-7. Commencement of Background Investigation.

- (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate to commence a background investigation upon candidates based on their numerical ranking on the eligibility list, starting with the top candidate.
- (b) Results of the background investigation shall be forwarded to the Police Chief and the Oneida Police Commission.
- (c) A candidate may be deemed as having an unsatisfactory background investigation report by either the Police Chief or the Oneida Police Commission, such determinations to be in writing.

301.7-8. Conditional Offer of Employment. Provided a candidate has satisfactory results in a background investigation, an offer of employment shall be sent to the candidate. The offer shall specify the candidate's appointment to the position of law enforcement officer contingent upon satisfactory psychological and medical testing.

301.7-9. Appointment. Provided a candidate has passed psychological and medical testing, a formal offer of employment shall be extended to the candidate by the Police Chief. In the event the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the contingency of employment shall be specified in the offer.

### **301.8. Promotion of Law Enforcement Officers**

301.8-1. Criteria for Promotion. The Oneida Police Commission and the Police Chief shall establish specific criteria for the promotion of law enforcement officers. The criteria shall be placed on the -notice or position posting for the promotion.

301.8-2. Process. The process for promotion shall be developed by the Police Chief and approved by the Oneida Police Commission. The specifics of the process shall be placed on the notice or position posting for said promotion.

301.8-3. Psychological Testing Required. All candidates for promotion shall undergo psychological testing and have a satisfactory report prior to promotion. The results of such test shall be made available to the Police Chief and the Oneida Police Commission President.

301.8-4. Promotion. Upon completion of all steps in the promotion process, a law enforcement officer may be promoted upon review and recommendation of Oneida Police Commission to the Police Chief.

### **301.9. Disciplinary Proceedings: Law Enforcement Officers.**

301.9-1. Purpose.

(a) Disciplinary actions may be commenced against a law enforcement officer by the Police Chief for violations of departmental Standard Operating Procedures or laws of the Oneida Tribe or other government. Such actions are independent of and exempt from the Oneida Blue Book. Discipline may range from a verbal warning to termination.

(b) In serious matters, an internal investigation is conducted by the Oneida Police Department and the law enforcement officer under investigation may be placed on administrative leave pursuant to 301.10.

(c) In order to insure due process to law enforcement officers, an law enforcement officer has the right to appeal a disciplinary action to the Oneida Police Commission.

(d) Disciplinary actions may be ordered by the Police Chief. The officer may appeal a disciplinary action to the Oneida Police Commission. Upon filing of an appeal, the Police Chief shall submit formal charges against the officer to the Oneida Police Commission.

(e) Any citizen may file charges or a complaint against an officer with the Police Chief. The Oneida Police Commission can proceed with a hearing after an investigation by the Police Chief.

(f) If a citizen wishes to file a complaint with the Oneida Police Commission, the Oneida Police Commission will refer the complaint to the Police Chief to begin an investigation. Upon completion of the investigation the Police Chief shall submit his written report to the Commission.

301.9-2. Commencement of Disciplinary Hearings. A request for an appeal of a decision of

the Police Chief must be submitted in writing to the Oneida Police Commission within 30 calendar days.

(a) If the request is by a law enforcement officer or a citizen against a law enforcement officer, the President must without delay, notify the Police Chief that a hearing has been requested.

(b) The Oneida Police Commission must meet within ten calendar days and set a hearing date.

(c) The Oneida Police Commission has the right to extend hearing dates for cause.

301.9-3. Rights and Responsibilities of the Oneida Police Commission at Hearings.

(a) The Oneida Police Commission shall have legal counsel and a court reporter present at all formal proceedings.

(b) The Oneida Police Commission has the authority to subpoena witnesses.

(c) Hearing procedures that may be unique to a particular hearing shall be established prior to the hearing.

(d) Disciplinary hearings shall be open, except where:

(1) the person subject to discipline requests in writing that the hearing be closed; or

(2) the Police Chief requests in writing that the hearing be closed and indicates that confidential police matters are involved.

(e) Commissioners shall not discuss the disciplinary matter with anyone outside the Commission until the hearing is completed and a decision is filed.

301.9-4. Rights of the Accused Law Enforcement Officer at Hearings.

(a) Notice of charges that have been made, or will be made, as well as actions that will or may be taken against the individual.

(b) The right to a hearing to respond to the charges.

(c) The right to representation at the individual's expense.

(d) The right to confront and cross-examine his/her accusers.

(e) The right to present evidence and argue his/her view of the facts.

301.9-5. Pre-Hearing Conference.

(a) A pre-hearing conference shall be scheduled at least five (5) working days before the hearing. The law enforcement officer and the complainant shall be notified in writing of the pre-hearing conference and both may be represented.

(b) The following matters shall be accomplished at the conference.

(1) Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties or their representatives.

(2) Exhibit lists will also be exchanged between the parties or their representatives, and each party and/or their representative shall be permitted to physically inspect all exhibits of the other party.

(3) Witnesses or exhibits not on the pre-hearing conference lists may not be introduced at the hearing unless the Oneida Police Commission determines that the party or their representative can demonstrate a satisfactory reason for the inclusion of such witness or exhibit on the list(s) submitted at the pre-hearing conference.

(4) In the absence of the party or representative at the pre-hearing conference, the Oneida Police Commission shall dismiss the charges unless the party or representative can demonstrate a satisfactory reason for non-appearance.



301.9-6. Hearing Procedure.

- (a) The nature of a law enforcement agency requires the highest level of public trust, As a result, hearings will be open to the public to allow the public to be reassured that hearings are conducted under the highest standards of objectiveness and reason.
- (b) The President of the Oneida Police Commission has the duties of:
  - (1) Presiding over the hearing.
  - (2) Maintaining order.
  - (3) Insuring that the hearing is fair and impartial.
- (c) The President may elect to use an attorney or experienced hearing examiner to assist in conducting the hearing.
- (d) Order of Business.
  - (1) The President calls the meeting to order and:
    - (A) Explains that the Oneida Police Commission is not an investigative body.
    - (B) Describes the hearing as a formal inquiry into the facts of the matter in front of them as an original hearing body.
  - (2) The President reads the charges, as filed with the Oneida Police Commission, and cites the rule(s) and/or policy(s) that were alleged to be violated.
  - (3) Testimony begins with the person(s) who filed the charges.
    - (A) Witnesses, evidence, documents, and other related reports will be submitted by the Police Chief or complainant.
    - (B) Witnesses testify under oath which can be administered by the President or any other Commissioner.
    - (C) Any Commissioner may ask questions but they must be relevant to the issues at hand. It is the President's responsibility to insure that the questions are germane.
    - (D) The law enforcement officer or representative may challenge the testimony or evidence presented.
  - (4) The law enforcement officer or representative is given an opportunity to present facts, introduce evidence, and call witnesses to prove:
    - (A) That the law enforcement officer was wrongly charged.
    - (B) The penalty is not appropriate for the violation.
  - (5) The complainant may challenge any testimony offered by the accused.
  - (6) Both sides are allowed to present closing summaries of their position.
  - (7) The President then adjourns the hearing.
  - (8) The Oneida Police Commission retires to executive session to deliberate upon the matter.

301.9-7. Just Cause Standard Applied to Commission Deliberations. The Commissioners shall base their decisions regarding a disciplinary action upon the "just cause" standard.

- (a) Whether the law enforcement officer could reasonably be expected to have had knowledge of the probable consequences of the alleged misconduct.
- (b) Whether the procedure the law enforcement officer allegedly violated is reasonable.
- (c) Whether the Police Chief, before filing charges against the law enforcement officer, made a reasonable effort to discover whether the law enforcement officer did, in fact, violate a procedure.
- (d) Whether the investigation was fair and objective.

- (e) Whether the Police Chief discovered substantial evidence that the law enforcement officer violated the procedure as described in the charges filed against the law enforcement officer.
- (f) Whether the Police Chief is applying the rule or order fairly and without discrimination against the law enforcement officer.
- (g) Whether the proposed discipline is reasonable as it relates to the seriousness of the alleged violation and to the law enforcement officer's record of service with the Oneida Police Department.

**301.9-8. Commission Actions.**

- (a) The Oneida Police Commission may on appeals, review a disciplinary action taken by the Police Chief, and:
  - (1) Approve the action taken by the Police Chief without change.
  - (2) Dismiss or modify the charge(s) made by the Police Chief.
  - (3) Modify any penalty imposed by the Police Chief.
  - (4) Void the action taken by the Police Chief.
- (b) The Oneida Police Commission may impose any of the following penalties, but is not limited to the penalties listed herein.
  - (1) Verbal consultation
  - (2) Written reprimand.
  - (3) Suspension without pay.
  - (4) Demotion in rank.
  - (5) Termination of employment.
- (c) The Oneida Police Commission's findings shall be in writing and include:
  - (1) A statement of all charges filed.
  - (2) The specific rule(s), policy(s), or standard(s) of conduct violated.
  - (3) A list of charges that the Oneida Police Commission found were proven.
  - (4) A summary of the disciplinary actions considered by the Oneida Police Commission.
  - (5) The disciplinary action ordered by the Oneida Police Commission and any special actions attached to the approved disciplinary action.
- (d) In acting on a complaint including a request for termination of employment, filed with the Oneida Police Commission, the Oneida Police Commission may:
  - (1) Dismiss the complaint.
  - (2) Dismiss or modify certain charges filed.
  - (3) Conclude that the testimony and evidence sustain the charges and impose a penalty.
  - (4) Allow the Oneida Police Commission the power to hire an outside agency to conduct the investigation of allegations against the Police Chief.

**301.9-9. Appeals of Commission Findings.** Appeals of Oneida Police Commission's ruling shall be made to the Judiciary.

**301.10. Administrative Leave: Law Enforcement Officers.**

**301.10-1. General.** Administrative leave is an action commenced by the Police Chief affecting the status of a law enforcement officer. A law enforcement officer is temporarily relieved of all law enforcement powers while on administrative leave. The law enforcement officer continues to receive salary and is responsible to report to the Police Chief or perform other duties as

assigned. Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

301.10-2. Applicability. Administrative leave may only be ordered in the following circumstances:

- (a) The law enforcement officer poses a threat to themselves or others.
- (b) The law enforcement officer is alleged to have committed a violation(s) which calls for termination of his or her employment as a law enforcement officer and the matter is under investigation.
- (c) The law enforcement officer is alleged to have committed a violation(s) that is under investigation and that would cause a loss of public trust in the Oneida Police Department.
- (d) The law enforcement officer is under investigation for alcohol or drug abuse.
- (e) The law enforcement officer is under investigation for insubordination, untruthfulness, or commission of a crime.
- (f) The law enforcement officer demonstrates behavior indicating the law enforcement officer is unfit for duty.

301.10-3. Duration of Administrative Leave.

(a) In cases where the law enforcement officer is under formal investigation, the law enforcement officer will remain on administrative leave until the investigation is completed.

(1) If the investigation results in allegations being sustained, the law enforcement officer will remain on administrative leave pending issuance of discipline.

(2) If the investigation results in a finding that the charges were unfounded or not sustained, the law enforcement officer shall be immediately returned to active duty status.

(b) In cases where the law enforcement officer is placed on administrative leave for other matters not involving formal investigation, the law enforcement officer shall be returned to active duty status upon order of the Police Chief. The period of administrative leave in incidents not involving investigation shall not exceed thirty working days.

### **301.11. Firearms Control.**

301.11-1. The Oneida Tribe hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers employed by the Oneida Tribe.

(a) The needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida Police Commission.

(b) Said requirements shall reflect the needs of the Oneida Tribe in order to protect all persons and property.

*End.*

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