

ONEIDA POLICE COMMISSION BYLAWS

Article I. Authority

- 1-1. *Name.* The name of this entity shall be the Oneida Police Commission and may be referred to as the Police Commission.
- 1-2. *Establishment.* The Police Commission was established under the Oneida Nation Law Enforcement Ordinance, adopted by the Oneida Business Committee through resolution BC-10-10-01-C and amended by resolution BC-02-25-15-C.
- 1-3. *Authority.*
- (a) *Purpose of Entity.* The purpose of the Police Commission is to regulate the conduct of the Oneida Nation law enforcement personnel according to the highest professional standards. The Police Commission was established 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. The Police Commission is an oversight body and does not involve decision making processes on day-to-day activities of those law enforcement services.
 - (b) *Powers and Duties.* The Police Commission has all delegated authority established through the laws, policies, rules and resolutions of the Nation, including but not limited to, the Oneida Nation Law Enforcement Ordinance.
- 1-4. *Office.* The official mailing address of the Police Commission shall be:
Oneida Police Commission
P.O. Box 365
Oneida, WI 54155
- 1-5. *Membership.*
- (a) *Number of Members.* The Police Commission shall consist of five (5) members.
 - (b) *Appointed.* All members of the Police Commission shall be appointed in accordance with the Boards, Committees and Commissions law to serve a five (5) year term.
 - (1) Members of the Police Commission may serve more than one (1) term, but not more than three (3) consecutive terms.
 - (2) Members of the Police Commission shall remain in office:
 - (A) If his or her term has expired, until a successor has been sworn in by the Oneida Business Committee;
 - (B) Until his or her appointment is terminated; or
 - (C) Until his or her resignation.
 - (i) A member may resign at any time verbally at a meeting or by delivering written notice to the Oneida Business Committee Support Office and the Police Commission Chairperson or Chairperson's designee. The resignation is effective upon acceptance by motion of a member's verbal resignation or upon delivery of the written notices.

- (c) *Vacancies.* Vacancies on the Police Commission shall be filled by appointment by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law.
 - (1) The Chairperson of the Police Commission shall provide the Oneida Business Committee with a recommendation on all applications for appointment to fill a vacancy by the executive session in which the appointment is intended to be made.
 - (A) The Chairperson shall include in the recommendation whether the applicant meets the qualifications set forth in these bylaws.
 - (2) For vacancies in unexpired terms, a replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced.
- (d) *Qualifications.* All Police Commission members:
 - (1) Must be an enrolled member of the Oneida Nation.
 - (2) Must be twenty-five (25) years of age or older.
 - (3) Must submit to a complete background investigation. The following would disqualify any person from serving on the Oneida Police Commission:
 - (A) 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.
 - (B) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.
 - (C) A conviction of any ordinance violation that could bring discredit to the Police Commission, including, but not limited to:
 - (i) Domestic Abuse; or
 - (ii) Child Abuse.
 - (D) Any pardon issued by the Nation or the governor of any state for an offense specified above shall not deem a person as “exonerated” for the purposes of membership on the Police Commission.
 - (4) Must submit to drug testing prior to appointment and on an annual basis.
 - (5) Must not be an employee of the Oneida Police Department or have been terminated from the Oneida Police Department.
 - (6) Must be a person of known good standing in the community.
- (e) *Duties/Responsibilities.*
 - (1) Members shall attend regular Police Commission meetings, emergency meetings, trainings and conferences as directed by the Police Commission.
 - (2) Members shall provide direction; participate in discussion; review Police Commission reports and minutes prior to the meetings; and perform other duties assigned by the Police Commission.
 - (3) *Attendance.* The Police Commission has high expectations when it comes to attendance; therefore, attendance will be closely monitored.
 - (A) Three (3) excused absences of a member from any duly called meeting of the Police Commission within a one (1) year period may be cause for a recommendation by the Police Commission to the Oneida Business Committee for termination of that member’s appointment in accordance with section 1-6 of these bylaws.
 - (B) Two (2) unexcused absences of a member from any duly called meeting of the Police Commission within a one (1) year period may

be cause for a recommendation by the Police Commission to the Oneida Business Committee for termination of that member's appointment in accordance with section 1-6 of these bylaws.

- (i) A member who fails to provide written notice of his or her pending absence to a Police Commission Officer at least thirty (30) minutes before the start of the duly called missed meeting of the Police Commission shall be deemed unexcused.
- (4) Members shall perform all other responsibilities assigned under the Oneida Law Enforcement Ordinance, including, but not limited to:
- (A) Appointing, suspending or removing the Police Chief of the Oneida Police Department;
 - (B) Approving all law enforcement officer appointments made by the Police Chief including the promotion of subordinates;
 - (C) Adopting, modifying and repealing rules governing how lists of individuals, deemed eligible for appointment to law enforcement officer and promotion, are established;
 - (D) Approving competitive examinations used to judge suitability for appointment or promotion of law enforcement officers;
 - (E) Approving an eligibility list of individuals determined to be eligible for appointment as a law enforcement officer or promotion;
 - (F) Suspending law enforcement officers or other appointed personnel of the Oneida Police Department pending the filing and hearing of charges against them;
 - (G) Initiating charges against law enforcement officers or other appointed personnel of the Oneida Police Department;
 - (H) Hearing charges filed against law enforcement officers or other appointed personnel of the Oneida Police Department, whether filed by the Police Commission or the Police Chief, making findings and determinations, and imposing penalties up to and including termination;
 - (I) Hearing appeals of disciplinary actions against any law enforcement personnel or non-sworn personnel;
 - (J) Adopting rules governing the Police Commission's management of its own activities;
 - (K) Reviewing and forwarding for approval contracts to the Oneida Business Committee relating to cross-deputization, dispatch function and mutual aid pacts which are made between the Oneida Police Department and a non-tribal agency; and
 - (L) Approving Standard Operating Procedures of the Oneida Police Department.

1-6. *Termination.* A member of the Police Commission may be terminated in accordance with the Boards, Committees and Commissions law.

- (a) The Police Commission may recommend termination of a member from the Police Commission to the Oneida Business Committee for the following:
 - (1) Misconduct or wrong doing as a member of the Police Commission;
 - (2) Conduct which could jeopardize the reputation of the Oneida Nation, the Police Commission or the law enforcement system;

- (3) Any change in status which would place the member of the Police Commission in conflict with the qualifications for membership set forth in these bylaws;
 - (4) Violation of the confidentiality of closed hearings or any other information declared “confidential” by the Police Commission; and
 - (5) A disclosure of confidential information acquired by reason of a member’s relationship or status with the Police Commission for personal advantage, gain or profit, or for the advantage, gain or profit of a member’s relative or associate.
- (b) Recommendations to the Oneida Business Committee for termination of a Police Commission member’s appointment must be determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

1-7. *Trainings and Conferences.*

- (a) Contingent upon funding, the following trainings/conferences shall be mandatory for members of the Police Commission to attend or participate in when directed by majority vote of the members in attendance at a Police Commission meeting of an established quorum:
- (1) 1-4 HRD training to save on any travel;
 - (2) Investigation Case Management;
 - (3) National Alliance for Drug Endangered Children;
 - (4) Legal Responsibilities;
 - (5) Protecting Due Process;
 - (6) Confidentiality and Reporting;
 - (7) Disciplinary Measures;
 - (8) Report Writing;
 - (9) Ethics;
 - (10) Hearings;
 - (11) Gangs;
 - (12) Youth Interaction;
 - (13) Suicide;
 - (14) School Threats;
 - (15) First Responders;
 - (16) Evidence Processing;
 - (17) Drug Related Death;
 - (18) Interviews and Child Death;
 - (19) Crime Scene;
 - (20) Unresolved Cases;
 - (21) Prosecution and Role of the Prosecutor;
 - (22) Media Relations;
 - (23) Cultural Differences to Build Stronger Communities;
 - (24) Terrorism & Police Measures;
 - (25) Victim Assistance;
 - (26) Shared Jurisdiction;
 - (27) Consent Searches;
 - (28) Substance Abuse Prevention;
 - (29) Case Study;
 - (30) Trauma;

- (31) UWSP Outreach Annual Crisis Conference;
 - (32) UWGB Training; and
 - (33) UW – Fox Valley Training.
- (b) Reimbursement for conferences and trainings shall be subject to the Boards, Committees and Commissions law and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter.
- (1) Regardless of the number of trainings/conferences that he or she is required to attend, no member of the Police Commission shall be eligible to receive stipends for attending more than five (5) full days of mandatory trainings/conferences per year.

Article II. Officers

2-1. *Officers.* The Officer positions of the Police Commission shall consist of a Chairperson, a Vice-Chairperson and a Secretary.

2-2. *Responsibilities of the Chairperson.* The duties, responsibilities and limitations of the Chairperson are as follows:

- (a) Shall, with the assistance of the Secretary, be responsible for calling meetings and notifying members of the Police Commission, as well as the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law;
- (b) Shall preside over all meetings and hearings of the Police Commission;
- (c) Shall sign or designate one to sign all official Police Commission documents;
- (d) Shall be the liaison to the Oneida Business Committee and other department heads;
- (e) Shall seek clearance from the Oneida Business Committee via the Communications Department for any media requests made of the Police Commission per the Communications Department Media Policy;
- (f) Shall perform any and all duties assigned by the Police Commission;
- (g) Shall submit the recommendations for appointment referred to in section 1-5 and conduct the e-polls referred to section 3-6 of these bylaws; and
- (h) Shall, with assistance of the Secretary or through a designee of the Chairperson, submit annual and semi-annual reports to the Oneida General Tribal Council, as well as quarterly reports to the Oneida Business Committee, as required by the Boards, Committees and Commissions law, and shall attend all Oneida Business Committee meetings in which the Police Commission's quarterly report is an agenda item.

2-3. *Responsibilities of the Vice-Chairperson.* The duties, responsibilities and limitations of the Vice-Chairperson are as follows:

- (a) Shall preside at all meetings in the absence of the Chairperson and appoint a Vice-Chairperson for that meeting;
- (b) Shall be responsible for conducting e-polls in the absence of the Chairperson;
- (c) Shall work with the Chairperson in all matters that concern the Police Commission; and
- (d) In the event of the resignation, dismissal from office or death of the Chairperson, shall assume the role of Chairperson until such time as the Chairperson's term would have expired.

- 2-4. *Responsibilities of the Secretary.* The duties, responsibilities and limitations of the Secretary are as follows:
- (a) Shall keep accurate minutes of all regular, emergency and joint meetings, assuring that the minutes are reported in proper format and consistent with the Boards, Committees and Commissions law;
 - (b) Shall assist the Chairperson with the calling and notification of meetings, consistent with section 2-2 of these bylaws, and the submission of the annual, semi-annual and quarterly reports required by the Boards, Committees and Commissions law;
 - (c) Shall ensure that all standard operating procedures established by the Police Commission are submitted to the Oneida Business Committee Support Office; and
 - (d) In the event that both the Chairperson and the Vice-Chairperson positions become vacant before the end of their terms, shall call meetings of the Police Commission to fill the vacancies and preside over those meetings for the sole purpose of conducting an election of new Officers, at which point the Chairperson, or Vice-Chairperson in the absence of the Chairperson, shall preside.
- 2-5. *Selection of Officers.* The Officers shall serve terms of one (1) year and shall be elected by a majority vote of the Police Commission members in attendance at the annual meeting of an established quorum, which shall be held in September of each year.
- (a) Terms of office run from the beginning of the fiscal year.
 - (b) Officers may hold only one (1) Officer position per Officer term.
 - (c) Members of the Police Commission may be dismissed from their Officer positions by majority vote of the members in attendance at a Police Commission meeting of an established quorum.
- 2-6. *Budgetary Sign-Off Authority and Travel.* The Police Commission shall follow the Nation's policies and procedures regarding purchasing and sign-off authority.
- (a) Levels of budgetary sign-off authority for the Police Commission shall be as set forth in the manual titled, *Oneida Tribe of Indians of Wisconsin Purchasing Policies and Procedures*, for Area Directors/Enterprise Directors.
 - (1) All Officers of the Police Commission shall have sign-off authority.
 - (2) Two (2) Police Commission Officers shall be required to sign-off on all budgetary requests, except as follows:
 - (A) The Oneida Business Committee Support Office shall have sign-off authority over requests for stipends, travel per diem and business expense reimbursement.
 - (b) Travel requests on behalf of the Police Commission shall be approved by majority vote of the members in attendance at a regular or emergency Police Commission meeting of an established quorum.
- 2-7. *Personnel.* From the date these bylaws are adopted by the Oneida Business Committee and moving forward, the Police Commission shall not have authority to hire personnel for the benefit of the Police Commission.

Article III. Meetings

- 3-1. *Regular Meetings.* Regular meetings of the Police Commission shall be held every fourth (4th) Wednesday of the month, commencing at 5:00 p.m., at the Ridgeview Plaza located

in Oneida, Wisconsin. If the fourth (4th) Wednesday of the month falls on a holiday, then an alternative date may be selected by the Police Commission in accordance with these bylaws.

- (a) The meeting date, time and location shall be reviewed at the first meeting of the Police Commission and may change from time-to-time as it so determines upon proper notice to all Police Commission members, in writing, and to the public in accordance with governing law prior to the implementation of the new date, time and/or location.
 - (1) Meeting locations shall be within the Oneida Nation Reservation boundaries unless all the membership, as well as the public, is given proper notice, consistent with governing law, prior to designating the meeting location.
- (b) Notice of meeting location, agenda, documents and minutes shall be forwarded by the Chairperson with the assistance of the Executive Administrator or Secretary, to all members of the Police Commission, in writing, and to the public in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.
- (c) *Interview meetings.* Additional meetings for the purpose of the applicant interviews for Police Chief or law enforcement officers may be called by the Chairperson with approval of a majority of the members making up at least a quorum and so long as notice is provided to all members, in writing, and to the public in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.

3-2. *Emergency Meetings.*

- (a) An emergency meeting shall be called to address specific issues of the Police Commission that will be identified in the notice for the meeting when time sensitive issues require immediate action.
 - (1) Emergency meetings shall require at least a twenty-four (24) hour advance notice, in writing and by telephone call, to each member of the Police Commission by the Chairperson or the Chairperson's designee and shall further require notice to all Police Commission members, as well as the public, in accordance with governing law, including, but not limited to, the Nation's Open Records and Open Meetings law.
 - (2) Notice of an emergency meeting that is provided via email must be sent to the official Oneida Nation email address that was provided to each member to conduct Police Commission business electronically.
- (b) Within seventy-two (72) hours after an emergency meeting, the Police Commission shall provide the Nation's Secretary with notice of the emergency meeting, the reason for the emergency meeting, and an explanation of why the matter could not wait for a regular meeting.

3-3. *Joint Meetings.* Joint meetings with the Oneida Business Committee may be held at the Norbert Hill Center, Business Committee Conference Room, upon the request of either party and the agreement of the Oneida Business Committee.

- (a) Notice of the joint meeting agenda, documents and minutes shall be provided, and the joint meeting conducted, in accordance with resolution BC-03-27-19-D titled, Oneida Business Committee and Joint Meetings with Boards, Committees and

Commissions – Definitions and Impact, as may be amended from time-to-time hereafter.

- 3-4. *Quorum.* A quorum shall consist of three (3) members, one (1) of which shall include the Chairperson, Vice-Chairperson or Secretary, but only if the Secretary is presiding over a meeting in accordance with section 2-4(d) of these bylaws.
- 3-5. *Order of Business.* The regular meetings of the Police Commission shall follow the order of business as set out herein:
- (a) Call to order
 - (b) Approval of the agenda
 - (c) Approval of the minutes
 - (d) Correction and approval of the minutes
 - (e) Correspondence and mail
 - (f) Standing and Special Committee Reports
 - (g) Old business
 - (h) New business
 - (i) Other
 - (j) Adjournment
- (1) To facilitate the Police Commission’s proceedings, the order of business may be amended or suspended at any time by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.
 - (2) *Executive Session.* During any meeting, with proper notice, an executive session may be called by any single member of the Police Commission for the purpose of a confidential nature. Executive sessions are limited to members and such invited persons as the Police Commission deems necessary. The meeting must be returned to “open session” following the “executive session”.
- 3-6. *Voting.* Decisions of the Police Commission shall be based on a majority vote of the members present at a regular or emergency Police Commission meeting of an established quorum.
- (a) The Chairperson or Officer presiding at the meeting in the Chairperson’s absence shall vote only in the case of a tie.
 - (b) E-Polls are permitted and shall be conducted in accordance with the requirements listed in the Boards, Committees and Commissions law.
 - (1) In the Chairperson’s absence, the Vice-Chairperson shall serve as the designee for conducting e-polls.

Article IV. Expectations

- 4-1. *Behaviors of Members.* Members of the Police Commission shall act in accordance with the Oneida Code of Ethics.
- (a) *Enforcement.* Any member of the Police Commission found to be in violation of these bylaws or any other laws of the Nation may be subject to a recommendation from the Police Commission to the Oneida Business Committee for termination of that member in accordance with the Boards, Committees and Commissions law and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials.

- (1) Recommendations to the Oneida Business Committee for termination of a Police Commission member's appointment must be determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.

- 4-2. *Prohibition of Violence.* Intentionally violent acts committed by a member of the Police Commission that inflicts, attempts to inflict, or threatens to inflict emotional or bodily harm on another person, or damage to property, during a meeting or when acting in an official capacity are strictly prohibited and grounds for an immediate recommendation for termination of appointment from the Police Commission and/or the imposition of sanctions and/or penalties according to the laws and policies of the Nation governing sanctions and penalties for appointed officials as determined by a majority vote of the members in attendance at a Police Commission meeting of an established quorum.
- 4-3. *Drug and Alcohol Use.* Use of alcohol and prohibited drugs by members of the Police Commission when acting in their official capacity is strictly prohibited.
 - (a) Prohibited drugs are defined as marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances included in Schedules I through V, as defined by Section 812 of Title 21 of the United States Code. This also includes prescription medication or over-the-counter medicine used in an unauthorized or unlawful manner.
- 4-4. *Social Media.* Police Commission members shall abide by the Nation's Social Media Policy and their oath of office when using social media while acting on behalf of or as a representative of the Police Commission.
- 4-5. *Conflict of Interest.* Police Commission members shall abide by all laws of the Nation governing conflicts of interest. Members must submit a Conflict of Interest form upon taking their oath of office and annually thereafter.

Article V. Stipends and Compensation

- 5-1. *Stipends.* Police Commission members are eligible for the following stipends as set forth in and subject to these bylaws, the Boards, Committees and Commissions law, and resolution BC-05-08-19-B titled, Amending Resolution BC-09-26-18-D Boards, Committees and Commissions Law Stipends, as may be further amended from time-to-time hereafter:
 - (a) A stipend for attending a duly called meeting of the Police Commission for up to one (1) meeting per month.
 - (b) A stipend for attending a hearing of the Oneida Judiciary if the member's attendance at the hearing is required by official subpoena.
 - (c) A stipend for conducting an official hearing of the Police Commission.
 - (d) A stipend for attending a duly called joint meeting between the Police Commission and the Oneida Business Committee.
 - (e) A stipend for each full day a member is present at a conference or training when attendance at the conference or training is required by law, bylaws or resolution.

- 5-2. *Compensation.* Besides travel, per diem and business expense reimbursement authorized by the Boards, Committees and Commissions law, members of the Police Commission shall not be eligible for any other form of compensation for duties/activities they perform on behalf of the Police Commission.

Article VI. Records and Reporting

- 6.1. *Agenda Items.* Agenda items shall be maintained in the format provided by the Oneida Business Committee Support Office.
- 6-2. *Minutes.* Minutes shall be typed in the format provided by the Oneida Business Committee Support Office to generate the most informative record of the meetings of the Police Commission.
- (a) All minutes shall be submitted to the Oneida Business Committee Support Office within thirty (30) calendar days of the Police Commission's approval.
- 6-3. *Attachments.* Handouts, reports, memoranda and the like may be kept separately; provided, the materials can be identified to the meeting in which they were presented and shall be maintained in accordance with the Nation's Open Records and Open Meetings law.
- 6-4. *Oneida Business Committee Liaison.* The Chairperson shall regularly report to the Oneida Business Committee member who is the Police Commission's designated liaison.
- (a) The reporting format and frequency for communication shall be as the liaison and the Police Commission agree to, but not less than that required in any law of the Nation or policy on reporting developed by the Oneida Business Committee or Oneida General Tribal Council.
- (b) Reports shall be made within a reasonable time after a meeting is held, or as the Oneida Business Committee member liaison and the Police Commission agree, provided that the agreement is aimed at upholding the ability of the liaison to act as a support to the Police Commission.
- 6-5. *Audio Recordings.* All meetings of the Police Commission shall be audio recorded using a recording device approved and/or supplied by the Oneida Business Committee Support Office. The audio recordings shall be sent to the Oneida Business Committee Support Office quarterly, for purposes of maintaining, when the minutes are approved by the Police Commission.
- (a) Audio recordings of executive session portions of a meeting are not required.

Article VII. Amendments

- 7-1. *Amendments to the Bylaws.* Amendments may be made to these bylaws at a regular meeting of the Police Commission provided that written notice of the proposed amendments is given at a prior regular meeting and the amendments conform to the Boards, Committees and Commissions law, as well as any other policy of the Nation.
- (a) Amendments are effective upon adoption of the Police Commission and approval by the Oneida Business Committee.
- (b) The Police Commission shall review these bylaws from time to time as needed, but no less than on an annual basis.

These By-laws, as amended and revised, are hereby approved by the Oneida Business Committee at a duly called meeting held on September 25, 2019, by the Secretary of the Oneida Business Committee's signature.



Lisa Summers, Secretary
Oneida Business Committee