



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
April 16, 2025
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 1. April 2, 2025 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 1. Oneida Nation Law Enforcement Ordinance Amendments (pg. 4)
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
April 2, 2025¹
10:00 a.m.

Present: Jameson Wilson, Kirby Metoxen, Jonas Hill

Excused: Jennifer Webster

Unexcused: Marlon Skenandore

Others Present: Clorissa N. Leeman, Grace Elliott, Carolyn Salutz

Others Present on Microsoft Teams: David P. Jordan, Derrick King, Heidi Janowski, Janice Decorah, Matthew Denny, Rae Skenandore, Eric Boulanger, Katsitsiyo Danforth, Kristal Hill, Fawn Cottrell, Tavia James-Charles, Brittany Smith, Carl Artman, Rhiannon Metoxen, Mary C. Graves, Sidney White, Sarah White, Melinda K. Danforth, Ralinda Ninham-Lamberies, Ronald Vanschyndel

I. Call to Order and Approval of the Agenda

Jameson Wilson called the April 2, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. March 5, 2025 LOC Meeting Minutes

Motion by Jonas Hill to approve the March 5, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Oneida Nation Law Enforcement Ordinance Amendments

Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

¹ Due to weather affecting travel conditions, the opening of the Nation's Operations and Comprehensive Health Division was postponed until 10:00 a.m. on April 2, 2025, so the Legislative Operating Committee was rescheduled to begin at 10:00 a.m. on April 2, 2025.



IV. New Submissions

1. General Tribal Council Meeting Stipend Payment Policy Amendments

Motion by Kirby Metoxen to accept the information as FYI; seconded by Jonas Hill. Motion carried unanimously.

V. Additions

VI. Administrative Updates

1. One Year Review of the Drug and Alcohol Free Workplace Law Amendments

Motion by Kirby Metoxen to accept the One Year Review of the Drug and Alcohol Free Workplace Law Amendments; seconded by Jonas Hill. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn at 10:14 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee
April 16, 2025

Oneida Nation Law Enforcement Ordinance Amendments

Submission Date: 9/17/14	Public Meeting: 3/14/25
LOC Sponsor: Jonas Hill	Emergency Enacted: n/a

Summary: *This item was carried over from the previous three terms. The item was originally added to the Active Files List per the request of the Oneida Police Department and the Oneida Law Office that clarification be added to the law regarding whether the Nation’s Conservation wardens qualify as sworn officers.*

9/17/14 LOC: Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously. *Note: Tehassi Hill will be the sponsor for this item.*

10/10/16: *Quarterly Sponsor Update Meeting held.* Present: Tehassi Hill, Maureen Perkins, Tani Thurner, Clorissa Santiago, Krystal John. No new updates.

9/6/17 LOC: Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the active files list with Ernie Stevens III as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

11/1/17 LOC: Motion by Kirby Metoxen approve the 60-day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

10/7/20 LOC: Motion by Kirby Metoxen to add the Law Enforcement Ordinance Amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

12/09/21: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Kristal Hill, Rhiannon Metoxen, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to have the LOC review a first draft of amendments to the Oneida Law Enforcement Ordinance. For purposes of efficiency, amendments to the Ordinance should be developed and adopted simultaneous with the ONGO amendments; specifically, as they relate to the transition of the Security Department (as set forth in ONGO) from under the Oneida Police Department to under a Public Safety Commission, which will be created through re-establishment of the Oneida Police Commission via amendments to this Ordinance. The next step is for the drafting attorney to meet with the heads of the Police Department and Conservation Department to discuss the aforementioned transition.

- 12/15/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Jennifer Webster, Kristal Hill, Clorissa Santiago, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss the meeting scheduled for December 21, 2021 with the heads of the Oneida Police Department and Conservation Department to discuss the transition of the Conservation Department from under the Police Department to under a re-established Oneida Police Commission to be renamed the Public Safety Commission.
- 12/21/21:** *Work Meeting.* Present: David Jordan, Marie Summers, Daniel Guzman-King, Joel Maxam, Eric Boulanger, Shad Webster, Terry Metoxen, Nicole Rommel, Kristal Hill, Rhiannon Metoxen, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss amendments to the Oneida Law Enforcement Ordinance as they relate to the oversight of the Conservation Department. The next step is for the Police Department and Conservation Department to forward their policies/ protocols to the LRO so that it may review them in anticipation of discussing the issue in more depth with the LOC.
- 1/28/22:** *Work Meeting.* Present: Richard VanBoxtel, Jeanette Ninham, Kristen Hooker, Carmen Vanlanen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to hear from members of the Oneida Police Commission in regards to the proposal to reorganize the Commission, as well as the Conservation Department, in a manner that better suits the Nation and its members.
- 6/23/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Rhiannon Metoxen, Kristal Hill. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to clarify some drafting questions to provide greater direction as to the drafting of potential amendments to the Law.
- 7/6/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Eric Boulanger, Joel Maxam. Terry Metoxen, Kelly McAndrews. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to begin discussing potential amendments to the Law.
- 8/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carolyn Salutz, Grace Elliott, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss an e-mail received from Attorney Kelly McAndrews providing that the Oneida Law Office and Oneida Police Department no longer support the creation of a Public Safety Commission that would oversee the Security Department in addition to the Police Department.
- 9/19/22:** *Work Meeting.* Present: Kirby Metoxen, Marie Summers, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Kristal Hill, Eric Boulanger, Joel Maxam, Richard VanBoxtel, Kelly McAndrews, Katsitsiyo Danforth. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss a memorandum from OPD, Law Office, and Security regarding some concerns with including Security within the Law Enforcement Ordinance, as well as additional areas within the Law Enforcement Ordinance that will need amending.
- 9/21/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Santiago, Carolyn Salutz, Rhiannon Metoxen, Grace Elliott. This was a work meeting held through Microsoft Teams. The purpose of the meeting

was to follow up on the September 19, 2022, work meeting and make a final determination as to whether to move forward with the development of the Public Safety Commission.

- 10/3/22:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Marie Cornelius, Daniel Guzman King, Jennifer Webster, Clorissa N. Leeman, Carolyn Salutz, Grace Elliott, Kristal Hill, Katsitsiyo Danforth, Louise Cornelius. This was a work meeting held through Microsoft Teams. The purpose of the meeting was to discuss with the Gaming General Manager, Gaming maintaining some responsibilities over the Security Department even after it moves to under the Public Safety Commission.
- 10/4/23 LOC:** Motion by Jennifer Webster to add the Law Enforcement Ordinance Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.
- 3/6/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Maureen Perkins, Kristal Hill. The purpose of this work meeting was to review the Oneida Nation Law Enforcement Ordinance and discuss potential amendments.
- 3/28/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to discuss the removal of “sergeant” from section 301.5-3(d) of the law.
- 4/19/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Joel Maxam, Brandon Vandehei, Dan Skenandore, Fawn Cottrell, Katsitsiyo Danforth, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance.
- 6/7/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Kelly McAndrews, Eric Boulanger, Brandon Vandehei, Richard VanBoxtel, Katsitsiyo Danforth, Carolyn Salutz, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the updated draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance, and specifically obtain the input of the Oneida Police Commission.
- 7/26/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Clorissa Leeman, Maureen Perkins, Richard VanBoxtel, Eric Boulanger. The purpose of this work meeting was to review some final topics in the Oneida Law Enforcement Ordinance draft – particularly looking at section 301.6-4 so we can have some discussion on what responsibilities the Commission should have over the Department so it best reflects current practice.
- 9/4/24 LOC:** Motion by Jonas Hill to approve the draft of the proposed amendments to the Oneida Law Enforcement Ordinance and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.
- 9/4/24:** *OBC Officers Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Lisa Liggins, Lisa Summers, Lawrence Barton, Danelle White, Tehassi Hill, Brandon Yellowbird-Stevens. Members of the LOC were called into the OBC Officers’ meeting to discuss the progress of the Oneida Law Enforcement Ordinance amendments and the future placement of the Internal Security Department. Some Officers expressed concern with placing the Internal Security Department under the future Oneida Public Safety and Security Commission and asked for

reconsideration of the idea to place the Internal Security Department under the Gaming General Manager. The LOC provided they would take this into consideration.

- 9/4/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenadore, Clorissa Leeman, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie. The purpose of this work session was to consider the request made from the OBC Officers. LOC decided to hold one more work session with the larger work group to consider the Officers' request for reconsideration of the placement of the Internal Security Department under the Gaming General Manager.
- 10/8/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenadore, Clorissa Leeman, Eric Boulanger, Joel Maxam, Kristal Hill, Maureen Perkins, Reynold Danforth, Katsitsiyo Danforth, Mark Powless, Jeremy King, Fawn Cottrell, Michelle Braaten. The purpose of this work meeting was to have one final discussion on the placement of the Internal Security Department with the broader work team before the draft of the proposed amendments to the Oneida Law Enforcement Ordinance continues moving through the legislative process.
- 10/9/24:** *Phone Call.* Present: Clorissa Leeman, Kelly McAndrews. The purpose of this phone call was to collect Attorney Kelly McAndrew's insight on the placement of the Internal Security Department, since she was unable to attend the work meeting yesterday.
- 10/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to discuss the placement of the Internal Security Department after the information collected during our last work meeting.
- 10/24/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Maureen Perkins, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to discuss and make a decision as to where the Internal Security Department should be placed within the organization, and if any changes to the proposed amendments to the law need to be developed.
- 1/15/25 LOC:** Motion by Jonas Hill to approve the updated draft and legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments; seconded by Marlon Skenadore. Motion carried unanimously.
- 2/5/25 LOC:** Motion by Jonas Hill to approve the public meeting packet for the amendments to the Oneida Nation Law Enforcement Ordinance and forward to a public meeting to be held on March 14, 2025; seconded by Marlon Skenadore. Motion carried unanimously.
- 3/14/25:** *Public Meeting Held.* Present: Marlon Skenadore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Jason King, Katsitsiyo Danforth, Kimberly Skenadore Goodrich, Kristal Hill, Hon. Patricia Hoeft, Shannon Stone, Stephanie Smith, Brittany Smith, Sky Gonzalez, Mary Ann Peters. One (1) person provided oral comments during this public meeting.
- 3/21/25:** *Public Comment Period Closed.* No individuals provided written comments during this public comment period.
- 4/2/25 LOC:** Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.


4/2/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell. The purpose of this work meeting was to review and consider the public comments received.

4/10/25: *Work Meeting.* Present: Clorissa Leeman, Peggy Van Gheem. The purpose of this brief work meeting was to touch base on some issues identified by the Oneida Law Office and determine if additional language to the law was necessary.

Next Steps:

- Accept the updated public comment review memorandum, draft, and legislative analysis.
- Approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by April 30, 2025.



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney 
 DATE: April 16, 2025
 RE: Oneida Nation Law Enforcement Ordinance Amendments: Public Comment Review with LOC Consideration

On March 14, 2025, a public meeting was held regarding the proposed amendments to the Oneida Nation Law Enforcement Ordinance. One (1) person made oral comments during the public meeting. The public comment period was then held open until March 21, 2025. No submissions of written comments were received during the public comment period. On April 2, 2025, the Legislative Operating Committee reviewed and considered the public comment. This memorandum is submitted as a review of the Legislative Operating Committee's consideration of the comments received during the public meeting.

Comment 1 – Clarification on Safety:

301.6. Oneida Public Safety and Security Commission

301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

- (a) Oneida Police Department;
- (b) Internal Security Department; and
- (c) Any other safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

Shannon Stone (oral): Hello, my name is Shannon Stone. I'm the Public Works Director, and the law that I'm inquiring about is the Oneida Public Safety and Security Commission law. The, the part that I was curious about is where it says that they will be overseeing all safety and security departments of the Nation. I'm not sure how that's being interpreted, because safety is such a broad topic. It could, is that intended to reach into the operations or is this primarily just for public safety?

...

But I did submit an e-mail awhile back, but I think my main concern is that public safety and safety within operations are really two (2) different areas of concern and they have different skill sets that would be involved in in those. Knowledge of the law with regard to the public and knowledge of law within a working environment are quite different. And so to have a, one and this is why we have OSHA and we have other labor boards and such within the federal government. And so I guess my concern would be that we define that a little bit more clearly. So that there's

understanding, especially within the organization, how this oversight committee would impact the organization's operations. That would be my comment.

...

Um. Not at this time. You know, we we do have a Safety law in in I I think for for organizational purposes. Ah that safety law works pretty well for us, but I think that's what I would refer to for safety within the organization.

Response

The commenter suggests that section 301.6-1 of the proposed amendments to the Oneida Nation Law Enforcement Ordinance be better clarified to differentiate between “public safety” and “operational or occupational safety.”

The proposed amendments to the Oneida Nation Law Enforcement Ordinance establish an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation. [3 O.C. 301.6-1]. The Law then goes on to state that the Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services: Oneida Police Department; Internal Security Department; and any other ***safety operation department*** of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission. [3 O.C. 301.6-1(a)-(c)].

In an effort to clarify the application of section 301.6-1(c) of the Law, the following revision is recommended:

301.6. Oneida Public Safety and Security Commission

301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

- (a) Oneida Police Department;
- (b) Internal Security Department; and
- (c) Any other department of the Nation that focuses its operation on public safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

LOC Consideration

The Legislative Operating Committee believes that the intent of the inclusion of the Oneida Public Safety and Security Commission is clear in that it is meant to provide oversight over “public

safety” departments, and not “occupational safety” departments, but still determined the following revision should be made to the law to provide further clarification:

301.6. Oneida Public Safety and Security Commission

301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

- (a) Oneida Police Department;
- (b) Internal Security Department; and
- (c) Any other department of the Nation that focuses its operation on public safety operation department of the Nation as identified in the bylaws of the Oneida Public Safety and Security Commission.

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

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301.1-1	Purpose and Policy
301.2-1	Adoption, Amendment, Repeal
301.3-1	Definitions
301.4-1	General Principles
301.5-1	Oneida Police Department
301.6-1	Oneida Public Safety and Security Commission

301.7-1	Appointment of Law Enforcement Officers
301.8-1	Promotion of Law Enforcement Officers
301.9-1	Disciplinary Proceedings
301.10-1	Administrative Leave
301.11-1	Firearms Control

301.1. Purpose and Policy

301.1-1. *Purpose.* The purpose of this law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards.

301.1-2. *Policy.* It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

301.2. Adoption, Amendment, Repeal

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

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

301.2-3. Should a provision of this law or the application there of 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. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

301.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

301.3. Definitions

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

(a) “Certified law enforcement officer” means 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) “Commissioner” shall mean a member of the Oneida Public Safety and Security Commission.

(c) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17.

(d) “Nation” means the Oneida Nation.

(e) “Non-sworn personnel” means an individual employed with the Oneida Police Department that does not meet the qualifications for a certified law enforcement officer.

50 (f) “Oneida Public Safety and Security Commission” means the entity made up of those
51 individuals appointed by the Oneida Business Committee to provide oversight regarding
52 the activities and actions of public safety and security operations throughout the
53 Reservation.

54 (g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant
55 or above.

56 (h) “Reservation” means all land within the exterior boundaries of the Reservation of the
57 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any
58 lands added thereto pursuant to federal law.

59
60 **301.4. General Principles**

61 301.4-1. All law enforcement operations of the Nation shall be conducted in accordance with this
62 law.

63 301.4-2. Law enforcement operations shall take place on and within the Reservation, unless:

- 64 (a) there is a potential that the safety and welfare of an individual is being compromised;
65 (b) the law enforcement operations occur pursuant to mutual aid agreements with local
66 governments; or
67 (c) the law enforcement operations occur pursuant to any other jurisdictional exception.

68 301.4-3. Law enforcement operations shall be used primarily for the purposes of providing law
69 enforcement within the Nation and to provide mutual assistance or aid to external law enforcement
70 services offered by local governments within the Oneida community by powers set forth in section
71 301.4 of this law, Article IV section 1(f) of the Constitution and By-Laws of the Oneida Nation,
72 and as set forth in compacts and agreements authorized by the Oneida Business Committee or
73 General Tribal Council.

74 301.4-4. The Nation shall appoint and employ law enforcement personnel within its boundaries
75 as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws of
76 the Nation, in addition to protection of persons, property, and premises.

77 301.4-5. The Oneida Police Department may, as authorized and delegated by this law and the
78 Oneida Business Committee or General Tribal Council, enter into cross-deputization and other law
79 enforcement agreements with other jurisdictions.

80
81 **301.5. Oneida Police Department**

82 301.5-1. There is hereby established an Oneida Police Department which is delegated all law
83 enforcement authority of the Nation. The Oneida Police Department may create divisions of
84 operation as may be deemed appropriate.

85 (a) *Oneida Police Department Position Restrictions.* All positions and appointments of
86 the Oneida Police Department shall be subject to Indian preference in hiring, except that
87 the following positions shall be held only by members of the Nation:

- 88 (1) Police Chief;
89 (2) Assistant Police Chief; and
90 (3) Police Lieutenant.

91 301.5-2. *Oneida Police Chief.* The Oneida Police Department shall be headed by a Police Chief,
92 appointed pursuant to this law.

93 (a) The Police Chief shall have authority over departmental personnel and operations,
94 subject to the authority of the Oneida Public Safety and Security Commission.

95 (b) *Qualifications and Process for Appointment as Police Chief.*

96 (1) The recruitment and hiring process for Police Chief shall be conducted by the
97 Oneida Public Safety and Security Commission, with assistance, as needed, by the
98 Human Resources Department.

99 (2) No person shall be accepted as a candidate or be eligible to serve as Police
100 Chief who does not meet the following qualifications:

101 (A) Current certification in the State of Wisconsin as a law enforcement
102 officer or upon approval from the applicable State of Wisconsin Standards
103 Board;

104 (B) Member of the Nation;

105 (C) A minimum of five (5) years creditable service as a sworn law
106 enforcement officer for a state, tribal, local, or federal government, with
107 preference for:

108 (i) those who have at least an associate degree in police science,
109 criminal justice or similar field, or a bachelor's degree in a related
110 subject; and

111 (ii) those with successful supervisory experience;

112 (D) Current satisfactory background investigation completed by a law
113 enforcement agency selected by the Oneida Public Safety and Security
114 Commission with results of the investigation reported directly to the Oneida
115 Public Safety and Security Commission;

116 (E) Current satisfactory psychological examination report;

117 (F) Current satisfactory medical examination report;

118 (G) Current drug test with negative results for controlled substances; and

119 (H) Any other minimum requirement as provided for in the job description.

120 (3) Examinations, interviews, further selection criteria and other processes utilized
121 in the hiring process of a Police Chief shall be at the discretion of the Oneida Public
122 Safety and Security Commission,

123 (4) Upon accepting notification of retirement, resignation, or the removal of a
124 current Police Chief, the Oneida Public Safety and Security Commission shall
125 appoint an interim or acting Police Chief who shall serve in said capacity until the
126 process for appointment of a new Police Chief can be completed.

127 **301.5-3. Law Enforcement Officers.**

128 (a) *Educational Requirements.* All persons shall meet the following minimum education
129 requirements within five (5) years of their hire date:

130 (1) Possess a two (2) year associate degree from an accredited vocational,
131 technical, or adult education district; or

132 (2) Possess documentation in the form of an official transcript showing a minimum
133 of sixty (60) fully accredited college level credits; or

134 (3) Possess a bachelors degree from accredited college or university.

135 (b) *Conditional Employment.* Any person who is not a certified law enforcement officer
136 at the time of hire, is considered a conditional employee and shall attain the educational
137 requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

138 (1) Conditional employees are not eligible for promotion.

139 (2) Law enforcement officers who fail to attain the educational requirements within
140 five (5) years of their date of hire shall be subject to immediate termination.

141 (c) *Educational Requirement for Police Supervisors.* Upon enactment of this law, no law

142 enforcement officer may be considered eligible for promotion to supervisor until the
143 educational requirements of section 301.5-3(a) have been satisfied. Law enforcement
144 officers promoted prior to the enactment of this law are exempt from the educational
145 requirements specified in section 301.5-3(a).

146 301.5-4. *Liability Coverage.* To the extent the Federal Tort Claims Act coverage does not apply,
147 the Nation shall provide professional liability insurance for all law enforcement officers.

148 301.5-5. *Declaration of Additional Restrictions of Employees.* All personnel of the Oneida
149 Police Department shall be bound by standard operating procedures that are required as a result of
150 the specific and unique needs of law enforcement.

151 301.5-6. *Law Enforcement Officers to Be Sworn.* All law enforcement officers shall be installed
152 by sworn oath before the Oneida Business Committee during a regular or special Oneida Business
153 Committee meeting, or at an alternative time and location as determined by the Oneida Business
154 Committee Secretary.

155 (a) When taking an oath, the law enforcement officer shall appear in person to take their
156 oath, except if granted permission by the Oneida Business Committee Secretary to appear
157 through video conferencing, or through other telecommunications.

158 (b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum
159 of Oneida Business Committee members shall be present to witness the oath.

161 **301.6. Oneida Public Safety and Security Commission**

162 301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security
163 Commission to provide oversight regarding the activities and actions of public safety and security
164 operations throughout the Reservation to provide the greatest possible professional services to the
165 Nation and to allow for community input regarding those public safety and security services
166 through its representatives on the Oneida Public Safety and Security Commission. The Oneida
167 Public Safety and Security Commission is an oversight body of the following departments of the
168 Nation, but its oversight authority does not involve decision making processes on day-to-day
169 activities of those public safety services:

170 (a) Oneida Police Department;

171 (b) Internal Security Department; and

172 (c) Any other ~~safety operation~~ department of the Nation that focuses its operation on public
173 safety as identified in the bylaws of the Oneida Public Safety and Security Commission.

174 301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five
175 (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years.
176 Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

177 301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the
178 Oneida Public Safety and Security Commission an individual shall:

179 (a) Be a member of the Nation;

180 (b) Be twenty-five (25) years of age or older;

181 (c) Have a background investigation result in none of the following:

182 (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in
183 another state that would be considered a felony conviction if the offense and
184 adjudication occurred in the State of Wisconsin;

185 (2) A felony arrest which results in a misdemeanor conviction due to a plea
186 arrangement;

187 (3) A conviction of any law violation that could bring discredit to the Oneida Public

- 188 Safety and Security Commission; or
189 (4) Any pardon issued by the Nation or the governor of any State, for an offense
190 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for
191 the purposes of membership on the Oneida Public Safety and Security Commission;
192 (d) Not be employed with or terminated from the Oneida Police Department, Internal
193 Security Department, or any other public safety operation overseen by the Oneida Public
194 Safety and Security Commission;

195 301.6-4. *Responsibilities in Regard to the Oneida Police Department.* The Oneida Public Safety
196 and Security Commission shall be responsible for and empowered to do the following in regard to
197 the Oneida Police Department:

- 198 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.
199 (b) Approve all law enforcement officer appointments made by the Police Chief including
200 the promotion of subordinates.
201 (c) Approve an eligibility list of individuals determined to be eligible for appointment as a
202 law enforcement officer or promotion.
203 (d) Hear charges filed against law enforcement officers of the Police Department, whether
204 filed by the Oneida Public Safety and Security Commission or the Police Chief, make
205 findings and determinations, and impose penalties, up to and including termination.
206 (e) Hear appeals of disciplinary actions against any sworn law enforcement officers.
207 (1) The Oneida Public Safety and Security Commission shall not have authority
208 over disciplinary actions of non-sworn personnel.
209 (f) Adopt standard operating procedures governing the Oneida Public Safety and Security
210 Commission’s management of its own activities.

211 301.6-5. *Responsibilities in Regard to the Internal Security and Other Departments.* The
212 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal
213 Security Department or any other safety operation department of the Nation shall be provided for
214 in the Oneida Public Safety and Security Commission bylaws.

215 (a) The Oneida Public Safety and Security Commission, or its designee, shall be
216 responsible for the hiring and supervision of the Internal Security Director, in conformance
217 with the Nation’s employment laws, policies, and practices.

218 301.6-6. *Removal From Office.* A member of the Oneida Public Safety and Security Commission
219 may have their appointment terminated by the Oneida Business Committee for:

- 220 (a) Misconduct in office;
221 (b) Conduct which could jeopardize the reputation of the Nation, the Oneida Public Safety
222 and Security Commission, or the public safety system;
223 (c) Any change in status which would place the Commissioner in conflict with the
224 qualifications specified in section 301.6-3(c) above; or
225 (d) Violation of the confidentiality of closed hearings or any other information declared
226 confidential by the Oneida Public Safety and Security Commission.

227 228 **301.7. Appointment of Law Enforcement Officers**

229 301.7-1. *Job Task Analysis.* The Police Chief shall develop a job task analysis (job description)
230 for law enforcement officers and submit the job task analysis to the Oneida Public Safety and
231 Security Commission for approval.

232 301.7-2. *Hiring Criteria.* Hiring criteria for law enforcement officers, shall be developed by the
233 Oneida Public Safety and Security Commission and implemented by the Police Chief. The hiring

234 criteria shall include, but not be limited to, the following:

- 235 (a) educational requirements;
- 236 (b) satisfactory background investigation;
- 237 (c) psychological examination; and
- 238 (d) medical certification.

239 301.7-3. *Hiring Process Outline.* A hiring process outline shall be developed by the Oneida Public
240 Safety and Security Commission and implemented by the Police Chief. The hiring process outline
241 shall detail specific steps involved in the hiring process for law enforcement officers, and steps in
242 the process involving scoring, rank scoring, or grading shall be specified, as well as passing grades
243 or scores. The hiring process outline shall include all pertinent steps involved in the hiring process
244 including, but not limited to, the following:

- 245 (a) application process;
- 246 (b) application screening;
- 247 (c) written test procedures;
- 248 (d) oral interviews;
- 249 (e) physical agility testing;
- 250 (f) background investigation;
- 251 (g) conditional offer of employment; and
- 252 (h) psychological and medical testing.

253 301.7-4. *Approval of Additional Law Enforcement Personnel.*

- 254 (a) The Police Chief shall make a request for the hiring of additional law enforcement
255 personnel through the Human Resources Department processes.
- 256 (b) Upon receiving approval, the Police Chief shall make a formal request to the Human
257 Resources Department for posting the position(s) available. The current job task analysis,
258 hiring criteria. and hiring process outline shall be submitted to the Human Resources
259 Department by the Police Chief.

260 301.7-5. *Process.* All phases of the hiring process shall be conducted in accordance with the
261 hiring process outline. Duties and responsibilities of persons involved in the process shall be
262 specified in the outline.

263 301.7-6. *Eligibility List.*

- 264 (a) Upon completion of all screening steps of the hiring process outline, a list shall be
265 compiled of all candidates based on cumulative scores earned by each applicant in all
266 graded or scored steps of the current hiring process.
- 267 (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the
268 highest cumulative score is ranked “1”, the candidate with the second highest cumulative
269 score is ranked “2”, etc.
- 270 (c) The list shall be reviewed and approved by the Oneida Public Safety and Security
271 Commission and submitted to the Police Chief.
- 272 (d) The eligibility list will be valid for one (1) year from the date it was compiled.
- 273 (e) The order of appointment of applicants to the position of law enforcement officers
274 shall follow the order of the eligibility list contingent upon satisfactory background
275 investigation, psychological testing, and medical testing.

276 301.7-7. *Commencement of Background Investigation.*

- 277 (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate
278 to commence a background investigation upon candidates based on their numerical ranking
279 on the eligibility list, starting with the top candidate.

280 (b) Results of the background investigation shall be forwarded to the Police Chief and the
281 Oneida Public Safety and Security Commission.

282 (c) A candidate may be deemed as having an unsatisfactory background investigation
283 report by either the Police Chief or the Oneida Public Safety and Security Commission.
284 Such determinations by the Police Chief of the Oneida Public Safety and Security
285 Commission shall be made in writing.

286 301.7-8. *Conditional Offer of Employment.* Provided a candidate has satisfactory results in a
287 background investigation, an offer of employment shall be sent to the candidate. The offer shall
288 specify the candidate's appointment to the position of law enforcement officer contingent upon
289 satisfactory psychological and medical testing.

290 301.7-9. *Appointment.* Provided a candidate has passed psychological and medical testing, a
291 formal offer of employment shall be extended to the candidate by the Police Chief. In the event
292 the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the
293 contingency of employment shall be specified in the offer.

294 295 **301.8. Promotion of Law Enforcement Officers**

296 301.8-1. *Criteria for Promotion.* The Oneida Public Safety and Security Commission and the
297 Police Chief shall establish specific criteria for the promotion of law enforcement officers. The
298 criteria shall be placed on the notice or position posting for the promotion.

299 301.8-2. *Process.* The process for promotion shall be developed by the Police Chief and approved
300 by the Oneida Public Safety and Security Commission. The specifics of the process shall be placed
301 on the notice or position posting for said promotion.

302 301.8-3. *Psychological Testing Required.* All candidates for promotion shall undergo
303 psychological testing and have a satisfactory report prior to promotion. The results of such test
304 shall be made available to the Police Chief and the Oneida Public Safety and Security Commission
305 chairperson.

306 301.8-4. *Promotion.* Upon completion of all steps in the promotion process, a law enforcement
307 officer may be promoted upon review and recommendation of Oneida Public Safety and Security
308 Commission to the Police Chief.

309 310 **301.9 Disciplinary Proceedings for Law Enforcement Officers**

311 301.9-1. Disciplinary actions for law enforcement officers shall be governed by this provision of
312 the Law. Disciplinary actions of non-sworn personnel of the Oneida Police Department shall be
313 governed by the Nation's laws, policies, and rules governing employment.

314 301.9-2. *Just Cause Standard.* Just cause is determined using the following standards, to the
315 extent possible:

316 (a) Whether the law enforcement officer could reasonably be expected to have had
317 knowledge of the probable consequences of the alleged misconduct.

318 (b) Whether the procedure the law enforcement officer allegedly violated is reasonable.

319 (c) Whether the Police Chief, before filing charges against the law enforcement officer,
320 made a reasonable effort to discover whether the law enforcement officer did, in fact,
321 violate a procedure.

322 (d) Whether the investigation was fair and objective.

323 (e) Whether the Police Chief discovered substantial evidence that the law enforcement
324 officer violated the procedure as described in the charges filed against the law enforcement
325 officer.

326 (f) Whether the Police Chief is applying the rule or order fairly and without discrimination
327 against the law enforcement officer.

328 (g) Whether the proposed discipline is reasonable as it relates to the seriousness of the
329 alleged violation and to the law enforcement officer's record of service with the Oneida
330 Police Department.

331 301.9-3. *Discipline of Employees by the Chief of Police.* The Chief of Police may reprimand or
332 suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety
333 and Security Commission. The Chief of Police shall report this action to the chairperson of the
334 Oneida Public Safety and Security Commission immediately in writing and explain the cause(s)
335 of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless
336 the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

337 (a) For any reductions in rank or terminations of a law enforcement officer, the Police
338 Chief shall first file charges with the Oneida Public Safety and Security Commission.

339 301.9-4. *Discipline of the Chief of Police.* The Oneida Public Safety and Security Commission
340 has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative.
341 It may suspend the Chief of Police pending the investigation of written charges received.

342 301.9-5. *Right to Request Hearing.* If a law enforcement officer against whom a disciplinary action
343 of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida
344 Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be
345 filed with the Oneida Public Safety and Security Commission by the party initially taking the
346 disciplinary action.

347 301.9-6. *Filing of Charges.*

348 (a) *Standing to File Charges.* Charges may be filed with the Oneida Public Safety and
349 Security Commission by:

- 350 (1) the Chief of Police;
351 (2) a member of the Oneida Public Safety and Security Commission;
352 (3) the Oneida Public Safety and Security Commission as a body; or
353 (4) any aggrieved party.

354 (b) *Content of Charges.* The charges shall be in writing and shall be signed by the charging
355 party. The sources of all information contained in the charges shall be stated in the charges
356 or in accompanying documents. Information regarding the names and addresses of
357 witnesses having relevant knowledge relating to the charges may be embodied in a separate
358 statement accompanying the charges. The charges shall identify the person who is charged
359 and specify, if possible, the date(s) and place(s) of the alleged offense(s).

360 (c) *Filing of Charges.* The charges shall be filed with the chairperson of the Oneida Public
361 Safety and Security Commission. Pending disposition of such charges, the Oneida Public
362 Safety and Security Commission or Police Chief may suspend the employee.

363 (d) *Service of Charges.* Following service upon the Oneida Public Safety and Security
364 Commission chairperson, a copy of the charge shall be served upon the person charged. A
365 copy of the charge shall be issued to the person charged within five (5) business days after
366 charges are sent to the Commission.

367 301.9-7. *Procedure for Responding to Charges.*

368 (a) *Participation of the Commission.* If the Oneida Public Safety and Security Commission
369 as a body files charges, it shall retain special counsel to prosecute such charges on the
370 Commission's behalf and the Oneida Public Safety and Security Commission shall refrain
371 from any active involvement in the prosecution of such charges. If any member of the

372 Oneida Public Safety and Security Commission files and actively prosecutes such charges,
373 such member shall not participate in deliberating the charges or determining whether they
374 are sustained.

375 (b) *Docket List*. All charges filed with the Oneida Public Safety and Security Commission
376 shall be recorded on a docket list and assigned a number in sequence of filing with the date
377 of filing added in parentheses.

378 (c) *Preliminary Investigation*. Upon the filing of charges, the Oneida Public Safety and
379 Security Commission may have a preliminary investigation conducted to determine if it
380 has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges
381 that it does not have jurisdiction over the charges, it may dismiss the charges. In the event
382 of such dismissal, the Oneida Public Safety and Security Commission shall notify the
383 complainant in writing of its action.

384 (d) *Scheduling of Hearing*. Following the filing of charges or a request for a hearing, a
385 copy of the charges shall be served upon the person charged. The Oneida Public Safety and
386 Security Commission shall set a date for a hearing not less than ten (10) days or more than
387 thirty (30) days following receipt of the charges. This timeframe may be waived if mutually
388 agreed.

389 301.9-8. *Scheduling Conference*.

390 (a) *Scheduling Conference*. A scheduling conference between the parties and/or their legal
391 counsel is appropriate to establish the procedural timeline leading up to, and the process
392 for, the evidentiary hearing.

393 (b) *Purpose of the Scheduling Conference*. The following matters shall be accomplished
394 at the scheduling conference, and the resolution of these issues shall be memorialized in a
395 scheduling order distributed to the parties:

- 396 (1) Establishing the date(s) of the evidentiary hearing;
397 (2) Setting up deadlines to exchange witness lists and any prior written or recorded
398 statements or reports of witnesses;
399 (3) Setting up deadlines to identify and exchange exhibits;
400 (4) Setting up any discovery deadline. Prehearing discovery is permitted.
401 (5) Establishing the process and deadlines to request the Oneida Public Safety and
402 Security Commission to issue subpoenas. The Oneida Public Safety and Security
403 Commission chairperson has the power to issue subpoenas to compel the attendance
404 of witnesses;
405 (6) Arranging for the recording of the testimony. The hearing shall be transcribed
406 by a court reporter or otherwise recorded to preserve the evidence in case of an
407 appeal to the Trial Court; and
408 (7) Determining if there are any objections to any Oneida Public Safety and
409 Security Commission member participating in the hearing, deliberations, or
410 decision and the basis for such objections.

411 301.9-9. *Evidentiary Hearing*.

412 (a) *Hearing Procedures*.

- 413 (1) The evidentiary hearing shall be conducted in open session.
414 (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety
415 and Security Commission may be conducted in closed session at the discretion of
416 the Commission.
417 (3) The Commission's vote following deliberations may take place in closed

418 session, unless the charged party demands that the vote take place in open session.
419 (4) A record of the proceedings shall be created by the Commission. Exhibits
420 introduced shall be marked with a docket number and exhibit number in sequence
421 of introduction.

422 (5) Either or both of the parties may be represented by counsel and may compel
423 the attendance of the witnesses by subpoenas, which shall be issued by the
424 chairperson of the Commission.

425 (6) All testimony of witnesses at hearings shall be given under oath, administered
426 by a member of the Commission.

427 (b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

428 (1) Reading of the charges by the president.

429 (2) Opening statement by the parties, if any;

430 (3) Testimony and introduction of evidence by the charging party to substantiate
431 the charges, with cross-examination by the accused;

432 (4) Testimony and introduction of evidence by the accused with cross-examination
433 by the charging party; and

434 (5) Closing arguments.

435 301.9-10. *Deliberations, Findings, Conclusions, Orders from Hearing.*

436 (a) *Finding of Fact.*

437 (1) At the conclusion of the hearing, the Oneida Public Safety and Security
438 Commission shall prepare written findings of fact based upon the testimony and
439 evidence presented and shall prepare conclusions which are based on the findings
440 and an order consistent with such findings and conclusions within three (3) days
441 after the conclusion of the hearing and file it with the Oneida Public Safety and
442 Security Commission Secretary.

443 (2) For purposes of deliberation after the hearing, the Oneida Public Safety and
444 Security Commission shall adjourn into closed session. During the deliberation
445 only Oneida Public Safety and Security Commission members and the
446 commission's attorney shall be present.

447 (b) *Just Cause Standard.* In determining whether there is just cause for discipline, the
448 Oneida Public Safety and Security Commission shall apply the standards set forth in
449 section 301.9-2.

450 (c) *Charges Rescinded.* If the Oneida Public Safety and Security Commission determines
451 that the charges are not sustained, the charged party shall immediately have all related
452 disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

453 (d) *Charges Sustained.* If the Oneida Public Safety and Security Commission determines
454 that the charges are sustained, the charged party, by order of the Commission, may impose
455 any of the following penalties, but is not limited to the penalties listed herein:

456 (1) Verbal consultation;

457 (2) Written reprimand;

458 (3) Suspension without pay;

459 (4) Demotion in rank; or

460 (5) Termination of employment.

461 (e) *Announcement of Decision.* The Oneida Public Safety and Security Commission shall
462 announce its decision in open session.

463 (f) *Appeal of Decision.* Any law enforcement officer suspended, demoted, reassigned, or

464 removed by the Oneida Public Safety and Security Commission may appeal from the order
465 of the Oneida Public Safety and Security Commission to the Judiciary.
466

467 **301.10. Administrative Leave of Law Enforcement Officers**

468 301.10-1. *General.* Administrative leave is an action commenced by the Police Chief affecting
469 the status of a law enforcement officer. A law enforcement officer is temporarily relieved of all
470 law enforcement powers while on administrative leave. The law enforcement officer continues to
471 receive salary and is responsible to report to the Police Chief or perform other duties as assigned.
472 Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

473 301.10-2. *Applicability.* Administrative leave may only be ordered in the following
474 circumstances:

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

486 301.10-3. *Duration of Administrative Leave.*

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

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

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

495 (b) In cases where the law enforcement officer is placed on administrative leave for other
496 matters not involving formal investigation, the law enforcement officer shall be returned
497 to active duty status upon order of the Police Chief. The period of administrative leave in
498 incidents not involving investigation shall not exceed thirty (30) calendar days.
499

500 **301.11. Firearms Control.**

501 301.11-1. The Oneida Police Department may allow law enforcement use of service firearms in
502 order to protect life, liberty, property, land, and premises, according to the usual and current
503 accepted law enforcement standards.

504 301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified
505 law enforcement officers employed by the Nation.

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

509 (b) Said requirements shall reflect the needs of the Nation in order to protect all persons

510 and property.

511

512 *End.*

~~513~~

515

516 Adopted - BC -10-10-01-C

517 Revisor Correction 2004

518 Amended – BC-02-25-15-C

519 Amended – BC-__-__-__-__

Title 3. Health and Public Safety – Chapter 301
~~ONEIDA NATION LAW ENFORCEMENT ORDINANCE~~

Shakotiye'nás Olihwáke
The Matters of Those Who Protect Us
LAW ENFORCEMENT

#

301.1-1 Purpose and Policy	301.7-1 Appointment of Law Enforcement Officers
301.2-1 Adoption, Amendment, Repeal	301.8-1 Promotion of Law Enforcement Officers
301.3-1 Definitions	301.9-1 Disciplinary Proceedings
301.4-1 General Principles	301.10-1 Administrative Leave
301.5-1 Oneida Police Department	301.11-1 Firearms Control
301.6-1 Oneida Police <u>Public Safety and Security</u> Commission	

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#

301.1. Purpose and Policy

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

301.1-2. Policy. It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

301.2. Adoption, Amendment, Repeal

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

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

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.~~

301.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

301.2-5.— This ~~ordinance shall be known as~~ law is adopted under authority of the Constitution of the Oneida ~~Law Enforcement Ordinance~~ Nation.

301.3. Definitions

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

(a) ~~“Certified Law Enforcement Officer shall mean~~ law enforcement officer” means 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~~ “Commissioner” shall mean a member of the Oneida Public Safety and Security Commission.

50 (c) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was
51 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later
52 authorized to administer the judicial authorities and responsibilities of the Nation by
53 Oneida General Tribal Council resolution GTC-03-19-17.

54 (d) “Nation” means the Oneida Nation.

55 (e) “Non-sworn personnel” means an individual employed with the Oneida Police
56 Department that does not meet the qualifications for a certified law enforcement officers
57 who hold the rank of Sergeant or above officer.

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

59 ~~(d) Oneida Police~~ Public Safety and Security Commission shall refer to” means the entity
60 made up of those individuals appointed by the Oneida Business Committee to ~~serve in the~~
61 ~~capacity of insuring that community input is maintained~~ provide oversight regarding the
62 activities and actions of public safety and security operations throughout the Reservation.

63 (g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant
64 or above.

65 (h) “Reservation” means all land within the ~~Oneida Police Department by means of policy~~
66 ~~review and enforcement~~ exterior boundaries of the Reservation of the Oneida Nation, as
67 created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added
68 thereto pursuant to federal law.

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

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

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

74
75
76 **301.4. General Principles-**

77 301.4-1.— All law enforcement operations of the Nation shall be conducted in accordance with
78 this law.

79 301.4-2. Law enforcement operations shall take place on and within ~~Oneida~~ the Reservation,
80 unless:

81 (a) there is a potential that the safety and welfare of an individual is being compromised.
82 ~~In addition;~~

83 (b) ~~the~~ law enforcement operations ~~may take place~~ occur pursuant to mutual aid agreements
84 with local governments; ~~or~~

85 ~~(c) the 301.4-2. — All law enforcement operations shall be conducted as set forth in~~
86 ~~this ordinance~~ occur pursuant to any other jurisdictional exception.

87 301.4-3.— Law enforcement operations shall be used primarily for the purposes of providing law
88 enforcement within the Oneida Community Nation and to supplement provide mutual assistance or
89 aid to external law enforcement services offered by local governments within the Oneida
90 Community community by powers set forth in section 301.4, of this law, Article IV section 1(f) of
91 the Constitution and By-Laws of the Oneida ~~Tribe of Indians of Wisconsin~~ Nation, and as set forth
92 in compacts and agreements authorized by the Oneida Business Committee or General Tribal
93 Council.

94 301.4-4.— ~~The Oneida Tribe of Indians of Wisconsin~~ The Nation shall appoint and employ law
95 enforcement personnel within its boundaries as it deems necessary for the purpose of detecting

96 and preventing crime and enforcing the laws ~~and ordinances~~ of the ~~Oneida Tribe~~Nation, in addition
97 to protection of persons, property, and premises.

98 301.4-5.—The Oneida Police Department may, as authorized and delegated by this
99 Ordinance~~law~~ and the Oneida Business Committee or General Tribal Council, enter into cross-
100 deputization and other law enforcement agreements with other jurisdictions.

101 ~~301.4-6.—The Oneida Police Department may allow law enforcement use of service firearms in~~
102 ~~order to protect life, liberty, property, land and premises, according to the usual and minimum~~
103 ~~accepted law enforcement standards as determined by the Police Chief with approval of the Oneida~~
104 ~~Police Commission. However, actual use of deadly force shall be allowed solely for the protection~~
105 ~~of life or the prevention of grievous bodily harm.~~

106 ~~301.4-7.—A Police Commission is established by this Ordinance to provide oversight regarding~~
107 ~~the activities and actions of the law enforcement operations to provide the greatest possible~~
108 ~~professional services to the Oneida community and to allow for community input regarding those~~
109 ~~law enforcement services through its representatives on the Police Commission. This entity is~~
110 ~~created as an oversight body and does not involve decision making processes on day to day~~
111 ~~activities of those law enforcement services.~~

112 **301.5. Oneida Police Department**

113 301.5-1.—There is hereby established an Oneida Police Department, to which is delegated all
114 law enforcement authority of the Oneida Tribe~~Nation~~. The Oneida Police Department may create
115 divisions of operation as may be deemed appropriate.

116 (a) Oneida Police Department Position Restrictions. All positions and appointments of
117 the Oneida Police Department shall be subject to Indian preference in hiring, except that
118 the following positions shall be held only by members of the Nation:

- 119 (1) Police Chief.~~The;~~
- 120 (2) Assistant Police Chief; and
- 121 (3) Police Lieutenant.

122 301.5-2. Oneida Police Chief. The Oneida Police Department shall be headed by a Police Chief,
123 appointed pursuant to ~~Section 6-5 of this Ordinance~~law.

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

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

129 (d) ~~The Police Chief or his/her designee shall have the right to exercise his/her police~~
130 ~~authority to deputize and use the services and manpower of the Oneida~~ Public Safety and
131 Security Department for emergencies, special events, and investigationsCommission.

132 301.5-2. ~~Conservation Department. There~~ (b) Qualifications and Process for
133 Appointment as Police Chief.

134 (1) The recruitment and hiring process for Police Chief shall be a Conservation
135 Department which is a division of conducted by the Oneida Police Department.
136 This division Public Safety and Security Commission, with assistance, as needed,
137 by the Human Resources Department.

138 (2) No person shall be responsible for the protection accepted as a candidate or be
139 eligible to serve as Police Chief who does not meet the following qualifications:

140 (A) Current certification in the State of Wisconsin as a law enforcement
141

officer or upon approval from the applicable State of ~~all fish resources, wildlife resources, and the lands~~ Wisconsin Standards Board;

(B) Member of the Nation;

(C) 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;

(D) Current satisfactory background investigation completed by a law enforcement agency selected by the Oneida ~~Tribe~~ Public Safety and Security Commission with results of the investigation reported directly to the Oneida Public Safety and Security Commission;

(E) Current satisfactory psychological examination report;

(F) Current satisfactory medical examination report;

(G) Current drug test with negative results for controlled substances; and

(H) Any other minimum requirement as provided for in the job description.

(3) 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 Public Safety and Security Commission,

(4) Upon accepting notification of retirement, resignation, or the removal of a current Police Chief, the Oneida Public Safety and Security Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new Police Chief can be completed.

301.5-3.— Law Enforcement Officers.

(a) ~~Law Enforcement Officer: Educational Requirements.~~ All persons ~~hired after February 1, 1993,~~ shall meet the following minimum education requirements within five (5) years of ~~the~~their hire date, ~~which are as follows:~~

(1) Possess a two (2) year associate degree from ~~a Wisconsin~~ an accredited vocational, technical, ~~and/or~~ adult education district ~~or its accredited equivalent from another state;~~ or

(2) Possess documentation in the form of an official transcript showing a minimum of sixty (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~~ accredited college or university ~~or its accredited equivalent.~~

(b) Conditional Employment. ~~Persons hired after February 1, 1993.~~ Any person who ~~are~~is not a certified law enforcement ~~officers~~officer at the time of hire, ~~are~~is considered a conditional ~~employees~~employee and ~~must~~shall attain the educational requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

(1) Conditional employees are not eligible for promotion.

(2) Law enforcement officers who fail to ~~meet~~attain the ~~specified~~educational requirements ~~in section B,~~within five (5) years of their date of hire shall be subject to immediate termination.

(c) Educational Requirement: ~~for~~ Police Supervisors. Upon enactment of this

ordinance law, 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 law 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~~ To the extent the Federal Tort Claims Act coverage does not apply, the Nation 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~~ 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~~ during a regular or special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary.

(a) When taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted permission by the Oneida Business Committee Secretary to appear through video conferencing, or through other telecommunications.

(b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum of Oneida Business Committee members shall be present to witness the oath.

301.6. ~~Oneida Police~~ Public Safety and Security Commission

301.6-1. ~~Oneida Police Commission. Establishment.~~ Establishment. There is hereby established an Oneida ~~Police~~ Public Safety and Security Commission to provide oversight regarding the activities and actions of public safety and security operations throughout the Reservation to provide the greatest possible professional services to the Nation and to allow for community input regarding those public safety and security services through its representatives on the Oneida Public Safety and Security Commission. The Oneida Public Safety and Security Commission is an oversight body of the following departments of the Nation, but its oversight authority does not involve decision making processes on day-to-day activities of those public safety services:

(a) Oneida Police Department;

(b) Internal Security Department; and

(c) Any other department of the Nation that focuses its operation on public safety as identified in the bylaws of the Oneida Public Safety and Security Commission.

301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years. Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the Oneida Public Safety and Security Commission an individual shall:

(a) Be a member of the Nation;

(b) Be twenty-five (25) years of age or older;

(c) Have a background investigation result in none of the following:

234 (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in
235 another state that would be considered a felony conviction if the offense and
236 adjudication occurred in the State of Wisconsin;

237 (2) A felony arrest which results in a misdemeanor conviction due to a plea
238 arrangement;

239 (3) A conviction of any law violation that could bring discredit to the Oneida Public
240 Safety and Security Commission; or

241 (4) Any pardon issued by the Nation or the governor of any State, for an offense
242 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for
243 the purposes of membership on the Oneida Public Safety and Security Commission;

244 (d) Not be employed with or terminated from the Oneida Police Department, Internal
245 Security Department, or any other public safety operation overseen by the Oneida Public
246 Safety and Security Commission;

247 301.6-4. Responsibilities in Regard to the Oneida Police Department. The Oneida Public Safety
248 and Security Commission shall be responsible for and empowered to do the following in regard to
249 the Oneida Police Department:

250 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.

251 (b) Approve all law enforcement officer appointments made by the Police Chief including
252 the promotion of subordinates.

253 ~~(c) Adopt, modify, and repeal rules governing how lists of individuals, concluded to be~~
254 ~~eligible for appointment to law enforcement officer and promotion, are established.~~

255 ~~(d) Approve competitive examinations used to judge suitability for appointment or~~
256 ~~promotion of law enforcement officers.~~

257 ~~(e)~~ (c) Approve an eligibility list of individuals determined to be eligible for appointment
258 as a law enforcement officer or promotion.

259 ~~(f) Suspend law enforcement officers or other appointed personnel of the Police~~
260 ~~Department pending the filing and hearing of charges against them, subject to the~~
261 ~~provisions of 301.10.~~

262 ~~(g) Initiate charges against law enforcement officers or other appointed personnel of the~~
263 ~~Police Department.~~

264 ~~(h)~~ (d) Hear charges filed against law enforcement officers ~~or other appointed personnel~~
265 of the Police Department, whether filed by the Oneida Public Safety and Security
266 Commission or the Police Chief, make findings and determinations, and impose penalties,
267 up to and including termination.

268 ~~(i)~~ (e) Hear appeals of disciplinary actions against any sworn law enforcement ~~personnel or~~
269 ~~officers.~~

270 (1) The Oneida Public Safety and Security Commission shall not have authority
271 over disciplinary actions of non-sworn personnel.

272 ~~(j)~~ (f) Adopt ~~rules~~ standard operating procedures governing the Oneida ~~Police~~ Public Safety
273 and Security Commission’s management of its own activities.

274 301.6-5. Responsibilities in Regard to the Internal Security and Other Departments. The
275 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal
276 Security Department or any other safety operation department of the Nation shall be provided for
277 in the Oneida Public Safety and Security Commission bylaws.

278 (a) The Oneida Public Safety and Security Commission, or its designee, shall be
279 responsible for the hiring and supervision of the Internal Security Director, in conformance

280 with the Nation's employment laws, policies, and practices.

281 ~~301.6-6. Removal From Office. (k) Review contracts, and forward to the Oneida~~
282 ~~Business Committee for approval, concerning cross-deputization, dispatch function and~~
283 ~~mutual aid pacts which are made between the Oneida Police Department and a non-tribal~~
284 ~~agency.~~

285 (l) ~~Approve Standard Operating Procedures of the Oneida Police Department.~~

286 A member of the Oneida Public Safety and Security Commission may have their appointment
287 terminated by the Oneida Business Committee for:

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

291 ~~301.6-3. Commissioner Requirements and Qualifications. The following are membership~~
292 ~~requirements for serving on the Oneida Police Commission:~~

293 (a) ~~Shall be a member of the Oneida Tribe.~~

294 (b) ~~Must be 25 years of age or older.~~

295 (c) ~~Satisfactory background investigation. The following would prohibit any person from~~
296 ~~serving on the Oneida Police Commission:~~

297 (1) ~~A felony conviction in the State of Wisconsin, or any conviction of a crime in~~
298 ~~another state that would be considered a felony conviction if the offense and~~
299 ~~adjudication occurred in the State of Wisconsin.~~

300 (2) ~~A felony arrest which results in a misdemeanor conviction due to a plea~~
301 ~~arrangement.~~

302 (3) ~~A conviction of any ordinance violation that could bring discredit to the~~
303 ~~Commission.~~

304 (4) ~~Any pardon issued by the Oneida Tribe or the governor of any State, for an~~
305 ~~offense specified in sections 301.6-3(c)(1)-(3), shall not deem a person as~~
306 ~~"exonerated" for the purposes of membership on the Oneida Police Commission.~~

307 (d) ~~Must submit to drug testing prior to appointment and on an annual basis.~~

308 (e) ~~Must not be an employee of the Oneida Police Department~~

309 (f) ~~Shall attend applicable training.~~

310 (g) ~~Must be a person of known good standing in the community.~~

311 ~~301.6-4. Removal From Office. In addition to the Removal Law standards, a Commissioner may~~
312 ~~be removed for:~~

313 (a) ~~Malfeasance in office;~~

314 (b) ~~Conduct which could jeopardize the reputation of the Oneida Tribe~~Nation, the Oneida
315 PolicePublic Safety and Security Commission, or the ~~law enforcement~~public safety
316 ~~system;~~

317 (c) Any change in status which would place the Commissioner in conflict with the
318 qualifications specified in section 301.6-3(c) above; or

319 (d) Violation of the confidentiality of closed hearings or any other information declared
320 "confidential" by the Oneida ~~Police Commission.~~

321 ~~301.6-5. QualificationsPublic Safety and Security Commission.~~

322
323 301. Process for 7. Appointment as Police Chief.

324 (a) ~~The recruitment and hiring process for Police Chief shall be conducted by the Oneida~~
325 ~~Police Commission, with assistance, as needed, by the Human Resources Department.~~

§26 ~~(b) No person shall be accepted as a candidate or be eligible to serve as Police Chief who~~
§27 ~~does not meet the following qualifications:~~

§28 ~~(1) Current certification in the State of Wisconsin as a law enforcement officer or~~
§29 ~~upon approval from State of Wisconsin Standards Board.~~

§30 ~~(2) Member of the Oneida Tribe.~~

§31 ~~(3) A minimum of five (5) years creditable service as a sworn law enforcement~~
§32 ~~officer for a state, tribal, local or federal government, with preference for (i) those~~
§33 ~~who have at least an associate degree in police science, criminal justice or similar~~
§34 ~~field, or a bachelor's degree in a related subject; and (ii) those with successful~~
§35 ~~supervisory experience.~~

§36 ~~(4) Current satisfactory background investigation completed by the Security~~
§37 ~~Department or a law enforcement agency selected by the Oneida Police~~
§38 ~~Commission with results of the investigation reported directly to the Oneida Police~~
§39 ~~Commission.~~

§40 ~~(5) Current satisfactory psychological examination report.~~

§41 ~~(6) Current satisfactory medical examination report.~~

§42 ~~(7) Current drug test with negative results for controlled substances.~~

§43 ~~(e) Examinations, interviews, further selection criteria and other processes utilized in the~~
§44 ~~hiring process of a Police Chief shall be at the discretion of the Oneida Police Commission,~~

§45 ~~(d) Upon accepting retirement notification or the resignation of a current Police Chief, the~~
§46 ~~Oneida Police Commission shall appoint an interim or acting Police Chief who shall serve~~
§47 ~~in said capacity until the process for appointment of a new chief can be completed.~~

§48
§49 **301.7. — Appointment of Law Enforcement Officers**

§50 301.7-1. — Job Task Analysis. The Police Chief shall develop a ~~Job Task Analysis~~job task
§51 analysis (job description) for law enforcement officers and submit the job task analysis to the
§52 Oneida ~~Police~~Public Safety and Security Commission for approval.

§53 301.7-2. — Hiring Criteria. Hiring criteria for law enforcement officers, shall be developed by
§54 the Oneida ~~Police~~Public Safety and Security Commission and implemented by the Police Chief;
§55 ~~and must~~. The hiring criteria shall include, but ~~is not~~ be limited to, the following:

§56 (a) ~~_~~ educational requirements;_;

§57 (b) ~~_~~ satisfactory background investigation;_;

§58 (c) ~~_~~ psychological examination;_; and

§59 (d) ~~_~~ medical certification.

§60 301.7-3. — Hiring Process Outline. ~~A Hiring Process Outline~~A hiring process outline shall be
§61 developed by the Oneida ~~Police~~Public Safety and Security Commission and implemented by the
§62 Police Chief. The ~~Hiring Process Outline will~~hiring process outline shall detail specific steps
§63 involved in the hiring process for law enforcement officers, and steps in the process involving
§64 scoring, rank scoring, or grading shall be specified, as well as passing grades or scores. The ~~Hiring~~
§65 ~~Process Outline~~hiring process outline shall include all pertinent steps involved in the hiring process
§66 including, but not limited to, the following:

§67 (a) ~~_~~ application process;_;

§68 (b) ~~_~~ application screening;_;

§69 (c) ~~_~~ written test procedures;_;

§70 (d) ~~_~~ oral interviews;_;

§71 (e) ~~_~~ physical agility testing;_;

- 372 (f) background investigation;
- 373 (g) conditional offer of employment; and
- 374 (h) psychological and medical testing.

375 301.7-4.— Approval of Additional Law Enforcement Personnel.

376 (a) The Police Chief shall make a request for the hiring of additional law enforcement
377 personnel through the Human Resources Department processes.

378 (b) Upon receiving approval, the Police Chief shall make a formal request to the Human
379 Resources Department for posting the position(s) available. The current ~~Job Task~~
380 Analysis, Hiring Criteria, ~~job task analysis, hiring criteria,~~ and ~~Hiring Process Outline~~
381 hiring
382 process outline shall be submitted to the Human Resources Department by the Police Chief.

383 301.7-5.— Process. All phases of the hiring process shall be conducted in accordance with the
384 Hiring Process Outline hiring process outline. Duties and responsibilities of persons involved in
385 the process shall be specified in the outline.

386 301.7-6.— Eligibility List.

387 (a) Upon completion of all screening steps of the ~~Hiring Process Outline~~ hiring process
388 outline, a list shall be compiled of all candidates based on cumulative scores earned by
389 each applicant in all graded or scored steps of the current hiring process.

390 (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the
391 highest cumulative score is ranked “1”, the candidate with the second highest cumulative
392 score is ranked “2”, etc.

393 (c) The list shall be reviewed and approved by the Oneida ~~Police~~ Public Safety and
394 Security Commission and submitted to the Police Chief.

395 (d) The eligibility list will be valid for one (1) year from the date it was compiled.

396 (e) The order of appointment of applicants to the position of law enforcement officers
397 shall follow the order of the eligibility list contingent upon satisfactory background
398 investigation, psychological testing, and medical testing.

399 301.7-7.— Commencement of Background Investigation.

400 (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate
401 to commence a background investigation upon candidates based on their numerical ranking
402 on the eligibility list, starting with the top candidate.

403 (b) Results of the background investigation shall be forwarded to the Police Chief and the
404 Oneida ~~Police~~ Public Safety and Security Commission.

405 (c) A candidate may be deemed as having an unsatisfactory background investigation
406 report by either the Police Chief or the Oneida ~~Police~~ Public Safety and Security
407 Commission, ~~such~~ Such determinations ~~to~~ by the Police Chief of the Oneida Public Safety
408 and Security Commission shall be made in writing.

409 301.7-8.— Conditional Offer of Employment. Provided a candidate has satisfactory results in a
410 background investigation, an offer of employment shall be sent to the candidate. ~~The offer shall~~
411 specify the candidate’s appointment to the position of law enforcement officer contingent upon
412 satisfactory psychological and medical testing.

413 301.7-9.— Appointment. Provided a candidate has passed psychological and medical testing, a
414 formal offer of employment shall be extended to the candidate by the Police Chief. ~~In the event~~
415 the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the
416 contingency of employment shall be specified in the offer.

417 **301.8.— Promotion of Law Enforcement Officers**

4 18 301.8-1.— Criteria for Promotion. The Oneida ~~Police~~Public Safety and Security Commission
4 19 and the Police Chief shall establish specific criteria for the promotion of law enforcement officers.
4 20 The criteria shall be placed on the ~~notice~~ or position posting for the promotion.

4 21 301.8-2.— Process. The process for promotion shall be developed by the Police Chief and
4 22 approved by the Oneida ~~Police~~Public Safety and Security Commission.— The specifics of the
4 23 process shall be placed on the notice or position posting for said promotion.

4 24 301.8-3.— Psychological Testing Required.— All candidates for promotion shall undergo
4 25 psychological testing and have a satisfactory report prior to promotion. ~~The results of such test~~
4 26 shall be made available to the Police Chief and the Oneida ~~Police~~Public Safety and Security
4 27 Commission ~~President~~chairperson.

4 28 301.8-4.— Promotion. Upon completion of all steps in the promotion process, a law enforcement
4 29 officer may be promoted upon review and recommendation of Oneida ~~Police~~Public Safety and
4 30 Security Commission to the Police Chief.

4 31
4 32 **301.9.— Disciplinary Proceedings: for Law Enforcement Officers—**

4 33 301.9-1.— ~~Purpose~~

4 34 (a) ~~Disciplinary actions may be commenced against a law enforcement officer by the~~
4 35 ~~Police Chief for violations of departmental Standard Operating Procedures or laws of the~~
4 36 ~~Oneida Tribe or other government. Such actions are independent of and exempt from the~~
4 37 ~~Oneida Blue Book. Discipline may range from a verbal warning to termination.~~

4 38 (b) ~~In serious matters, an internal investigation is conducted by the Oneida Police~~
4 39 ~~Department and the law enforcement officer under investigation may be placed on~~
4 40 ~~administrative leave pursuant to 301.10.~~

4 41 (c) ~~In order to insure due process to for law enforcement officers, an law enforcement~~
4 42 ~~officer has the right to appeal a disciplinary action to the Oneida Police Commission.~~

4 43 (d) shall be governed by this provision of the Law. ~~Disciplinary actions may be ordered~~
4 44 ~~by the Police Chief. The officer may appeal a disciplinary action to the Oneida Police~~
4 45 ~~Commission. Upon filing of an appeal, the Police Chief shall submit formal charges~~
4 46 ~~against the officer to the Oneida Police Commission.~~

4 47 (e) ~~Any citizen may file charges or a complaint against an officer with the Police Chief.~~
4 48 ~~The Oneida Police Commission can proceed with a hearing after an investigation by the~~
4 49 ~~Police Chief.~~

4 50 (f) ——— If a citizen wishes to file a complaint with the Oneida Police Commission, the Oneida
4 51 Police Commission will refer the complaint to the Police Chief to begin an investigation. Upon
4 52 completion of the investigation the Police Chief of non-sworn personnel of the Oneida Police
4 53 Department shall submit his written report to the Commission be governed by the Nation's laws,
4 54 policies, and rules governing employment.

4 55 301.9-2.— Commencement of Disciplinary Hearings.— A request for an appeal of a decision of the
4 56 ~~Police Chief must be submitted in writing to the Oneida Police Commission within 30 calendar~~
4 57 ~~days.~~

4 58 (a) ~~If the request is by a law enforcement officer or a citizen against a law enforcement~~
4 59 ~~officer, the President must without delay, notify the Police Chief that a hearing has been~~
4 60 ~~requested.~~

4 61 (b) ~~The Oneida Police Commission must meet within ten calendar days and set a hearing~~
4 62 ~~date.~~

4 63 (c) ~~The Oneida Police Commission has the right to extend hearing dates for~~ Just Cause

4 64 Standard. Just cause.

4 65 301.9-3. ~~Rights and Responsibilities of the Oneida Police Commission at Hearings.~~

4 66 (a) ~~The Oneida Police Commission shall have legal counsel and a court reporter present at~~
4 67 ~~all formal proceedings.~~

4 68 (b) ~~The Oneida Police Commission has the authority to subpoena witnesses.~~

4 69 (c) ~~Hearing procedures that may be unique to a particular hearing shall be established prior~~
4 70 ~~to the hearing.~~

4 71 (d) ~~Disciplinary hearings shall be open, except where:~~

4 72 (1) ~~the person subject to discipline requests in writing that the hearing be closed;~~
4 73 ~~or~~

4 74 (2) ~~the Police Chief requests in writing that the hearing be closed and indicates that~~
4 75 ~~confidential police matters are involved.~~

4 76 (e) ~~Commissioners shall not discuss the disciplinary matter with anyone outside the~~
4 77 ~~Commission until the hearing is completed and a decision is filed.~~

4 78 301.9-4. ~~Rights of the Accused Law Enforcement Officer at Hearings.~~

4 79 (a) ~~Notice of charges that have been made, or will be made, as well as actions that will or~~
4 80 ~~may be taken against the individual.~~

4 81 (b) ~~The right to a hearing to respond to the charges.~~

4 82 (c) ~~The right to representation at the individual's expense.~~

4 83 (d) ~~The right to confront and cross-examine his/her accusers.~~

4 84 (e) ~~The right to present evidence and argue his/her view of the facts.~~

4 85 301.9-5. ~~Pre-Hearing Conference.~~

4 86 (a) ~~A pre-hearing conference shall be scheduled at least five (5) working days before the~~
4 87 ~~hearing. The law enforcement officer and the complainant shall be notified in writing of~~
4 88 ~~the pre-hearing conference and both may be represented.~~

4 89 (b) ~~The~~ is determined using the following matters shall be accomplished at the conference.

4 90 (1) ~~Witness lists and any prior written or recorded statements or reports of~~
4 91 ~~witnesses will be exchanged between the parties or their representatives.~~

4 92 (2) ~~Exhibit lists will also be exchanged between the parties or their representatives,~~
4 93 ~~and each party and/or their representative shall be permitted to physically inspect~~
4 94 ~~all exhibits of the other party.~~

4 95 (3) ~~Witnesses or exhibits not on the pre-hearing conference lists may not be~~
4 96 ~~introduced at the hearing unless the Oneida Police Commission determines that the~~
4 97 ~~party or their representative can demonstrate a satisfactory reason for the inclusion~~
4 98 ~~of such witness or exhibit on the list(s) submitted at the pre-hearing conference.~~

4 99 (4) ~~In the absence of the party or representative at the pre-hearing conference, the~~
5 00 ~~Oneida Police Commission shall dismiss the charges unless the party or~~
5 01 ~~representative can demonstrate a satisfactory reason for non-appearance.~~

5 02 301.9-6. ~~Hearing Procedure.~~

5 03 (a) ~~———— The nature of a law enforcement agency requires the highest level of public trust, As a~~
5 04 ~~result, hearings will be open to the public to allow the public to be reassured that hearings are~~
5 05 ~~conducted under the highest standards of objectiveness and reason, to the extent possible:~~

5 06 (b) ~~The President of the Oneida Police Commission has the duties of:~~

5 07 (1) ~~Presiding over the hearing.~~

5 08 (2) ~~Maintaining order.~~

5 09 (3) ~~Insuring that the hearing is fair and impartial.~~

§ 10 ~~(e) The President may elect to use an attorney or experienced hearing examiner to assist in~~
§ 11 ~~conducting the hearing.~~

§ 12 ~~(d) Order of Business.~~

§ 13 ~~(1) The President calls the meeting to order and:~~

§ 14 ~~(A) Explains that the Oneida Police Commission is not an investigative~~
§ 15 ~~body.~~

§ 16 ~~(B) Describes the hearing as a formal inquiry into the facts of the matter in~~
§ 17 ~~front of them as an original hearing body.~~

§ 18 ~~(2) The President reads the charges, as filed with the Oneida Police Commission,~~
§ 19 ~~and cites the rule(s) and/or policy(s) that were alleged to be violated.~~

§ 20 ~~(3) Testimony begins with the person(s) who filed the charges.~~

§ 21 ~~(A) Witnesses, evidence, documents, and other related reports will be~~
§ 22 ~~submitted by the Police Chief or complainant.~~

§ 23 ~~(B) Witnesses testify under oath which can be administered by the President~~
§ 24 ~~or any other Commissioner.~~

§ 25 ~~(C) Any Commissioner may ask questions but they must be relevant to the~~
§ 26 ~~issues at hand. It is the President's responsibility to insure that the questions~~
§ 27 ~~are germane.~~

§ 28 ~~(D) The law enforcement officer or representative may challenge the~~
§ 29 ~~testimony or evidence presented.~~

§ 30 ~~(4) The law enforcement officer or representative is given an opportunity to present~~
§ 31 ~~facts, introduce evidence, and call witnesses to prove:~~

§ 32 ~~(A) That the law enforcement officer was wrongly charged.~~

§ 33 ~~(B) The penalty is not appropriate for the violation.~~

§ 34 ~~(5) The complainant may challenge any testimony offered by the accused.~~

§ 35 ~~(6) Both sides are allowed to present closing summaries of their position.~~

§ 36 ~~(7) The President then adjourns the hearing.~~

§ 37 ~~(8) The Oneida Police Commission retires to executive session to deliberate upon~~
§ 38 ~~the matter.~~

§ 39 ~~301.9-7. Just Cause Standard Applied to Commission Deliberations. The Commissioners shall~~
§ 40 ~~base their decisions regarding a disciplinary action upon the "just cause" standard.~~

§ 41 ~~(a) (a)~~ Whether the law enforcement officer could reasonably be expected to have had
§ 42 knowledge of the probable consequences of the alleged misconduct.

§ 43 (b) Whether the procedure the law enforcement officer allegedly violated is reasonable.

§ 44 (c) Whether the Police Chief, before filing charges against the law enforcement officer,
§ 45 made a reasonable effort to discover whether the law enforcement officer did, in fact,
§ 46 violate a procedure.

§ 47 (d) Whether the investigation was fair and objective.

§ 48 (e) Whether the Police Chief discovered substantial evidence that the law enforcement
§ 49 officer violated the procedure as described in the charges filed against the law enforcement
§ 50 officer.

§ 51 (f) Whether the Police Chief is applying the rule or order fairly and without discrimination
§ 52 against the law enforcement officer.

§ 53 (g) Whether the proposed discipline is reasonable as it relates to the seriousness of the
§ 54 alleged violation and to the law enforcement officer's record of service with the Oneida
§ 55 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.~~

301.9-3. Discipline of Employees by the Chief of Police. The Chief of Police may reprimand or suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety and Security Commission. The Chief of Police shall report this action to the chairperson of the Oneida Public Safety and Security Commission immediately in writing and explain the cause(s) of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

(a) For any reductions in rank or terminations of a law enforcement officer, the Police Chief shall first file charges with the Oneida Public Safety and Security Commission.

301.9-4. Discipline of the Chief of Police. The Oneida Public Safety and Security Commission has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative. It may suspend the Chief of Police pending the investigation of written charges received.

301.9-5. Right to Request Hearing. If a law enforcement officer against whom a disciplinary action of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be filed with the Oneida Public Safety and Security Commission by the party initially taking the disciplinary action.

301.9-6. Filing of Charges.

(a) Standing to File Charges. Charges may be filed with the Oneida Public Safety and Security Commission by:

(1) the Chief of Police;

~~(2) Dismiss or modify~~ a member of the Oneida Public Safety and Security Commission;

(3) the Oneida Public Safety and Security Commission as a body; or

(4) any aggrieved party.

(b) Content of Charges. The charges shall be in writing and shall be signed by the charging party. The sources of all information contained in the charges shall be stated in the charges or in accompanying documents. Information regarding the names and addresses of witnesses having relevant knowledge relating to the charges may be embodied in a separate statement accompanying the charges. The charges shall identify the person who is charged and specify, if possible, the date(s) and place(s) of the alleged offense(s).

(c) Filing of Charges. The charges shall be filed with the chairperson of the Oneida Public Safety and Security Commission. Pending disposition of such charges, the Oneida Public Safety and Security Commission or Police Chief may suspend the employee.

(d) Service of Charges. Following service upon the Oneida Public Safety and Security Commission chairperson, a copy of the charge(s) made by the Police Chief shall be served upon the person charged. A copy of the charge shall be issued to the person charged within five (5) business days after charges are sent to the Commission.

301.9-7. Procedure for Responding to Charges.

(a) Participation of the Commission. If the Oneida Public Safety and Security Commission as a body files charges, it shall retain special counsel to prosecute such charges on the Commission's behalf and the Oneida Public Safety and Security Commission shall refrain from any active involvement in the prosecution of such charges. If any member of the

602 Oneida Public Safety and Security Commission files and actively prosecutes such charges,
603 such member shall not participate in deliberating the charges or determining whether they
604 are sustained.

605 (b) *Docket List.* All charges filed with the Oneida Public Safety and Security Commission
606 shall be recorded on a docket list and assigned a number in sequence of filing with the date
607 of filing added in parentheses.

608 (c) *Preliminary Investigation.* Upon the filing of charges, the Oneida Public Safety and
609 Security Commission may have a preliminary investigation conducted to determine if it
610 has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges
611 that it does not have jurisdiction over the charges, it may dismiss the charges. In the event
612 of such dismissal, the Oneida Public Safety and Security Commission shall notify the
613 complainant in writing of its action.

614 (d) *Scheduling of Hearing.* Following the filing of charges or a request for a hearing, a
615 copy of the charges shall be served upon the person charged. The Oneida Public Safety and
616 Security Commission shall set a date for a hearing not less than ten (10) days or more than
617 thirty (30) days following receipt of the charges. This timeframe may be waived if mutually
618 agreed.

619 301.9-8.(3) — Modify any penalty imposed by the Police Chief.

620 (4) Void the action taken by the Police Chief.

621 (b) — The Oneida Police Commission *Scheduling Conference.*

622 (a) *Scheduling Conference.* A scheduling conference between the parties and/or their legal
623 counsel is appropriate to establish the procedural timeline leading up to, and the process
624 for, the evidentiary hearing.

625 (b) *Purpose of the Scheduling Conference.* The following matters shall be accomplished
626 at the scheduling conference, and the resolution of these issues shall be memorialized in a
627 scheduling order distributed to the parties:

628 (1) Establishing the date(s) of the evidentiary hearing;

629 (2) Setting up deadlines to exchange witness lists and any prior written or recorded
630 statements or reports of witnesses;

631 (3) Setting up deadlines to identify and exchange exhibits;

632 (4) Setting up any discovery deadline. Prehearing discovery is permitted.

633 (5) Establishing the process and deadlines to request the Oneida Public Safety and
634 Security Commission to issue subpoenas. The Oneida Public Safety and Security
635 Commission chairperson has the power to issue subpoenas to compel the attendance
636 of witnesses;

637 (6) Arranging for the recording of the testimony. The hearing shall be transcribed
638 by a court reporter or otherwise recorded to preserve the evidence in case of an
639 appeal to the Trial Court; and

640 (7) Determining if there are any objections to any Oneida Public Safety and
641 Security Commission member participating in the hearing, deliberations, or
642 decision and the basis for such objections.

643 301.9-9. *Evidentiary Hearing.*

644 (a) *Hearing Procedures.*

645 (1) The evidentiary hearing shall be conducted in open session.

646 (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety
647 and Security Commission may be conducted in closed session at the discretion of

648 the Commission.

649 (3) The Commission's vote following deliberations may take place in closed
650 session, unless the charged party demands that the vote take place in open session.

651 (4) A record of the proceedings shall be created by the Commission. Exhibits
652 introduced shall be marked with a docket number and exhibit number in sequence
653 of introduction.

654 (5) Either or both of the parties may be represented by counsel and may compel
655 the attendance of the witnesses by subpoenas, which shall be issued by the
656 chairperson of the Commission.

657 (6) All testimony of witnesses at hearings shall be given under oath, administered
658 by a member of the Commission.

659 (b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

660 (1) Reading of the charges by the president.

661 (2) Opening statement by the parties, if any;

662 (3) Testimony and introduction of evidence by the charging party to substantiate
663 the charges, with cross-examination by the accused;

664 (4) Testimony and introduction of evidence by the accused with cross-examination
665 by the charging party; and

666 (5) Closing arguments.

667 301.9-10. Deliberations, Findings, Conclusions, Orders from Hearing.

668 (a) Finding of Fact.

669 (1) At the conclusion of the hearing, the Oneida Public Safety and Security
670 Commission shall prepare written findings of fact based upon the testimony and
671 evidence presented and shall prepare conclusions which are based on the findings
672 and an order consistent with such findings and conclusions within three (3) days
673 after the conclusion of the hearing and file it with the Oneida Public Safety and
674 Security Commission Secretary.

675 (2) For purposes of deliberation after the hearing, the Oneida Public Safety and
676 Security Commission shall adjourn into closed session. During the deliberation
677 only Oneida Public Safety and Security Commission members and the
678 commission's attorney shall be present.

679 (b) Just Cause Standard. In determining whether there is just cause for discipline, the
680 Oneida Public Safety and Security Commission shall apply the standards set forth in
681 section 301.9-2.

682 (c) Charges Rescinded. If the Oneida Public Safety and Security Commission determines
683 that the charges are not sustained, the charged party shall immediately have all related
684 disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

685 (d) Charges Sustained. If the Oneida Public Safety and Security Commission determines
686 that the charges are sustained, the charged party, by order of the Commission, may impose
687 any of the following penalties, but is not limited to the penalties listed herein:

688 (1) —_ Verbal consultation;

689 (2) —_ Written reprimand;

690 (3) —_ Suspension without pay;

691 (4) —_ Demotion in rank; or

692 (5) —_ Termination of employment.

693 (e) ~~e~~ Announcement of Decision. The Oneida ~~Police Commission's findings shall be in~~

694 ~~writing~~ Public Safety and include:

695 (1) ~~A statement of all charges filed.~~

696 (2) ~~The specific rule(s), policy(s), or standard(s) of conduct violated.~~

697 (3) ~~A list of charges that the Oneida Police~~ Security Commission ~~found were proven~~ shall
698 announce its decision in open session.

699 (4) ~~A summary of the disciplinary actions considered~~ (f) Appeal of Decision. Any
700 law enforcement officer suspended, demoted, reassigned, or removed by the
701 Oneida ~~Police Commission.~~

702 (5) ~~The disciplinary action ordered by the Oneida Police Commission~~ Public Safety
703 and any special actions attached to the approved disciplinary action.

704 (d) ~~In acting on a complaint including a request for termination of employment, filed with~~
705 ~~the Oneida Police Commission, the Oneida Police~~ Security Commission may:

706 (1) ~~Dismiss~~ appeal from the complaint.

707 (2) ~~Dismiss or modify certain charges filed.~~

708 (3) ~~Conclude that~~ order of the testimony Oneida Public Safety and ~~evidence sustain~~
709 ~~the charges and impose a penalty.~~

710 (4) ~~Allow the Oneida Police Commission the power to hire an outside agency to~~
711 ~~conduct the investigation of allegations against the Police Chief.~~

712 ~~301.9-9. Appeals of Commission Findings. Appeals of Oneida Police Commission's~~
713 ~~ruling shall be made~~ Security Commission to the Judiciary.

714
715 **301.10.— Administrative Leave: of Law Enforcement Officers—**

716 301.10-1.— General. Administrative leave is an action commenced by the Police Chief affecting
717 the status of a law enforcement officer. ~~A law enforcement officer is temporarily relieved of all~~
718 ~~law enforcement powers while on administrative leave. The law enforcement officer continues to~~
719 ~~receive salary and is responsible to report to the Police Chief or perform other duties as assigned.~~
720 ~~Administrative leave does not denote wrong-doing on the part of the law enforcement officer.~~

721 301.10-2.— Applicability. Administrative leave may only be ordered in the following
722 circumstances:

723 (a) ~~The law enforcement officer poses a threat to themselves or others.~~

724 (b) ~~The law enforcement officer is alleged to have committed a violation(s) which calls~~
725 ~~for termination of~~ his or her their employment as a law enforcement officer and the matter
726 is under investigation.

727 (c) ~~The law enforcement officer is alleged to have committed a violation(s) that is under~~
728 ~~investigation and that would cause a loss of public trust in the Oneida Police Department.~~

729 (d) ~~The law enforcement officer is under investigation for alcohol or drug abuse.~~

730 (e) ~~The law enforcement officer is under investigation for insubordination, untruthfulness,~~
731 ~~or commission of a crime.~~

732 (f) ~~The law enforcement officer demonstrates behavior indicating the law enforcement~~
733 ~~officer is unfit for duty.~~

734 301.10-3.— Duration of Administrative Leave.

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

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

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

743 (b) In cases where the law enforcement officer is placed on administrative leave for other
744 matters not involving formal investigation, the law enforcement officer shall be returned
745 to active duty status upon order of the Police Chief. -The period of administrative leave in
746 incidents not involving investigation shall not exceed thirty ~~working~~(30) calendar days.

747
748 **301.11.— Firearm Control.**

749 ~~301.11-1. The Oneida Tribe~~301.11-1. The Oneida Police Department may allow law
750 enforcement use of service firearms in order to protect life, liberty, property, land, and premises,
751 according to the usual and current accepted law enforcement standards.

752 301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified
753 law enforcement officers employed by the ~~Oneida Tribe~~Nation.

754 (a) The needs and requirements for carrying firearms shall be established and determined
755 by the Police Chief subject to the review of the Oneida ~~Police~~Public Safety and Security
756 Commission.

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

759
760 *End.*

761
762
763
764 Adopted - BC -10-10-01-C
765 Revisor Correction 2004
766 Amended – BC-02-25-15-C
767 Amended – BC- - - -

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

#

301.1-1 Purpose and Policy
301.2-1 Adoption, Amendment, Repeal
301.3-1 Definitions
301.4-1 General Principles
301.5-1 Oneida Police Department
301.6-1 Oneida Public Safety and Security Commission

301.7-1 Appointment of Law Enforcement Officers
301.8-1 Promotion of Law Enforcement Officers
301.9-1 Disciplinary Proceedings
301.10-1 Administrative Leave
301.11-1 Firearms Control

#

#

301.1. Purpose and Policy

301.1-1. *Purpose.* The purpose of this law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards.

301.1-2. *Policy.* It is the policy of the Nation to ensure that law enforcement personnel operate at the highest level of professional standards to ensure the safety and welfare of the community.

301.2. Adoption, Amendment, Repeal

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

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

301.2-3. Should a provision of this law or the application there of 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. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

301.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

301.3. Definitions

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

(a) “Certified law enforcement officer” means 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) “Commissioner” shall mean a member of the Oneida Public Safety and Security Commission.

(c) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17.

(d) “Nation” means the Oneida Nation.

(e) “Non-sworn personnel” means an individual employed with the Oneida Police Department that does not meet the qualifications for a certified law enforcement officer.

50 (f) “Oneida Public Safety and Security Commission” means the entity made up of those
51 individuals appointed by the Oneida Business Committee to provide oversight regarding
52 the activities and actions of public safety and security operations throughout the
53 Reservation.

54 (g) “Police supervisor” means a law enforcement officer who holds the rank of Sergeant
55 or above.

56 (h) “Reservation” means all land within the exterior boundaries of the Reservation of the
57 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any
58 lands added thereto pursuant to federal law.

59 60 **301.4. General Principles**

61 301.4-1. All law enforcement operations of the Nation shall be conducted in accordance with this
62 law.

63 301.4-2. Law enforcement operations shall take place on and within the Reservation, unless:

- 64 (a) there is a potential that the safety and welfare of an individual is being compromised;
65 (b) the law enforcement operations occur pursuant to mutual aid agreements with local
66 governments; or
67 (c) the law enforcement operations occur pursuant to any other jurisdictional exception.

68 301.4-3. Law enforcement operations shall be used primarily for the purposes of providing law
69 enforcement within the Nation and to provide mutual assistance or aid to external law enforcement
70 services offered by local governments within the Oneida community by powers set forth in section
71 301.4 of this law, Article IV section 1(f) of the Constitution and By-Laws of the Oneida Nation,
72 and as set forth in compacts and agreements authorized by the Oneida Business Committee or
73 General Tribal Council.

74 301.4-4. The Nation shall appoint and employ law enforcement personnel within its boundaries
75 as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws of
76 the Nation, in addition to protection of persons, property, and premises.

77 301.4-5. The Oneida Police Department may, as authorized and delegated by this law and the
78 Oneida Business Committee or General Tribal Council, enter into cross-deputization and other law
79 enforcement agreements with other jurisdictions.

80 81 **301.5. Oneida Police Department**

82 301.5-1. There is hereby established an Oneida Police Department which is delegated all law
83 enforcement authority of the Nation. The Oneida Police Department may create divisions of
84 operation as may be deemed appropriate.

85 (a) *Oneida Police Department Position Restrictions.* All positions and appointments of
86 the Oneida Police Department shall be subject to Indian preference in hiring, except that
87 the following positions shall be held only by members of the Nation:

- 88 (1) Police Chief;
89 (2) Assistant Police Chief; and
90 (3) Police Lieutenant.

91 301.5-2. *Oneida Police Chief.* The Oneida Police Department shall be headed by a Police Chief,
92 appointed pursuant to this law.

93 (a) The Police Chief shall have authority over departmental personnel and operations,
94 subject to the authority of the Oneida Public Safety and Security Commission.

95 (b) *Qualifications and Process for Appointment as Police Chief.*

96 (1) The recruitment and hiring process for Police Chief shall be conducted by the
97 Oneida Public Safety and Security Commission, with assistance, as needed, by the
98 Human Resources Department.

99 (2) No person shall be accepted as a candidate or be eligible to serve as Police
100 Chief who does not meet the following qualifications:

101 (A) Current certification in the State of Wisconsin as a law enforcement
102 officer or upon approval from the applicable State of Wisconsin Standards
103 Board;

104 (B) Member of the Nation;

105 (C) A minimum of five (5) years creditable service as a sworn law
106 enforcement officer for a state, tribal, local, or federal government, with
107 preference for:

108 (i) those who have at least an associate degree in police science,
109 criminal justice or similar field, or a bachelor's degree in a related
110 subject; and

111 (ii) those with successful supervisory experience;

112 (D) Current satisfactory background investigation completed by a law
113 enforcement agency selected by the Oneida Public Safety and Security
114 Commission with results of the investigation reported directly to the Oneida
115 Public Safety and Security Commission;

116 (E) Current satisfactory psychological examination report;

117 (F) Current satisfactory medical examination report;

118 (G) Current drug test with negative results for controlled substances; and

119 (H) Any other minimum requirement as provided for in the job description.

120 (3) Examinations, interviews, further selection criteria and other processes utilized
121 in the hiring process of a Police Chief shall be at the discretion of the Oneida Public
122 Safety and Security Commission,

123 (4) Upon accepting notification of retirement, resignation, or the removal of a
124 current Police Chief, the Oneida Public Safety and Security Commission shall
125 appoint an interim or acting Police Chief who shall serve in said capacity until the
126 process for appointment of a new Police Chief can be completed.

127 **301.5-3. Law Enforcement Officers.**

128 (a) *Educational Requirements.* All persons shall meet the following minimum education
129 requirements within five (5) years of their hire date:

130 (1) Possess a two (2) year associate degree from an accredited vocational,
131 technical, or adult education district; or

132 (2) Possess documentation in the form of an official transcript showing a minimum
133 of sixty (60) fully accredited college level credits; or

134 (3) Possess a bachelors degree from accredited college or university.

135 (b) *Conditional Employment.* Any person who is not a certified law enforcement officer
136 at the time of hire, is considered a conditional employee and shall attain the educational
137 requirements as specified in section 301.5-3(a), within five (5) years of their date of hire.

138 (1) Conditional employees are not eligible for promotion.

139 (2) Law enforcement officers who fail to attain the educational requirements within
140 five (5) years of their date of hire shall be subject to immediate termination.

141 (c) *Educational Requirement for Police Supervisors.* Upon enactment of this law, no law

142 enforcement officer may be considered eligible for promotion to supervisor until the
143 educational requirements of section 301.5-3(a) have been satisfied. Law enforcement
144 officers promoted prior to the enactment of this law are exempt from the educational
145 requirements specified in section 301.5-3(a).

146 301.5-4. *Liability Coverage.* To the extent the Federal Tort Claims Act coverage does not apply,
147 the Nation shall provide professional liability insurance for all law enforcement officers.

148 301.5-5. *Declaration of Additional Restrictions of Employees.* All personnel of the Oneida
149 Police Department shall be bound by standard operating procedures that are required as a result of
150 the specific and unique needs of law enforcement.

151 301.5-6. *Law Enforcement Officers to Be Sworn.* All law enforcement officers shall be installed
152 by sworn oath before the Oneida Business Committee during a regular or special Oneida Business
153 Committee meeting, or at an alternative time and location as determined by the Oneida Business
154 Committee Secretary.

155 (a) When taking an oath, the law enforcement officer shall appear in person to take their
156 oath, except if granted permission by the Oneida Business Committee Secretary to appear
157 through video conferencing, or through other telecommunications.

158 (b) If an oath is administered outside of an Oneida Business Committee meeting, a quorum
159 of Oneida Business Committee members shall be present to witness the oath.

161 **301.6. Oneida Public Safety and Security Commission**

162 301.6-1. *Establishment.* There is hereby established an Oneida Public Safety and Security
163 Commission to provide oversight regarding the activities and actions of public safety and security
164 operations throughout the Reservation to provide the greatest possible professional services to the
165 Nation and to allow for community input regarding those public safety and security services
166 through its representatives on the Oneida Public Safety and Security Commission. The Oneida
167 Public Safety and Security Commission is an oversight body of the following departments of the
168 Nation, but its oversight authority does not involve decision making processes on day-to-day
169 activities of those public safety services:

170 (a) Oneida Police Department;

171 (b) Internal Security Department; and

172 (c) Any other department of the Nation that focuses its operation on public safety as
173 identified in the bylaws of the Oneida Public Safety and Security Commission.

174 301.6-2. *Appointment of Commissioners.* The Oneida Business Committee shall appoint five
175 (5) members to the Oneida Public Safety and Security Commission for a term of five (5) years.
176 Commissioners may serve more than one (1) term, but not more than three (3) consecutive terms.

177 301.6-3. *Commissioner Eligibility Qualifications.* In order to be eligible for membership on the
178 Oneida Public Safety and Security Commission an individual shall:

179 (a) Be a member of the Nation;

180 (b) Be twenty-five (25) years of age or older;

181 (c) Have a background investigation result in none of the following:

182 (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in
183 another state that would be considered a felony conviction if the offense and
184 adjudication occurred in the State of Wisconsin;

185 (2) A felony arrest which results in a misdemeanor conviction due to a plea
186 arrangement;

187 (3) A conviction of any law violation that could bring discredit to the Oneida Public

- 188 Safety and Security Commission; or
189 (4) Any pardon issued by the Nation or the governor of any State, for an offense
190 specified in sections 301.6-4(c)(1)-(3), shall not deem a person as “exonerated” for
191 the purposes of membership on the Oneida Public Safety and Security Commission;
192 (d) Not be employed with or terminated from the Oneida Police Department, Internal
193 Security Department, or any other public safety operation overseen by the Oneida Public
194 Safety and Security Commission;

195 **301.6-4. Responsibilities in Regard to the Oneida Police Department.** The Oneida Public Safety
196 and Security Commission shall be responsible for and empowered to do the following in regard to
197 the Oneida Police Department:

- 198 (a) Appoint, suspend, or remove the Police Chief of the Oneida Police Department.
199 (b) Approve all law enforcement officer appointments made by the Police Chief including
200 the promotion of subordinates.
201 (c) Approve an eligibility list of individuals determined to be eligible for appointment as a
202 law enforcement officer or promotion.
203 (d) Hear charges filed against law enforcement officers of the Police Department, whether
204 filed by the Oneida Public Safety and Security Commission or the Police Chief, make
205 findings and determinations, and impose penalties, up to and including termination.
206 (e) Hear appeals of disciplinary actions against any sworn law enforcement officers.
207 (1) The Oneida Public Safety and Security Commission shall not have authority
208 over disciplinary actions of non-sworn personnel.
209 (f) Adopt standard operating procedures governing the Oneida Public Safety and Security
210 Commission’s management of its own activities.

211 **301.6-5. Responsibilities in Regard to the Internal Security and Other Departments.** The
212 responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal
213 Security Department or any other safety operation department of the Nation shall be provided for
214 in the Oneida Public Safety and Security Commission bylaws.

- 215 (a) The Oneida Public Safety and Security Commission, or its designee, shall be
216 responsible for the hiring and supervision of the Internal Security Director, in conformance
217 with the Nation’s employment laws, policies, and practices.

218 **301.6-6. Removal From Office.** A member of the Oneida Public Safety and Security Commission
219 may have their appointment terminated by the Oneida Business Committee for:

- 220 (a) Misconduct in office;
221 (b) Conduct which could jeopardize the reputation of the Nation, the Oneida Public Safety
222 and Security Commission, or the public safety system;
223 (c) Any change in status which would place the Commissioner in conflict with the
224 qualifications specified in section 301.6-3(c) above; or
225 (d) Violation of the confidentiality of closed hearings or any other information declared
226 confidential by the Oneida Public Safety and Security Commission.

227
228 **301.7. Appointment of Law Enforcement Officers**

229 **301.7-1. Job Task Analysis.** The Police Chief shall develop a job task analysis (job description)
230 for law enforcement officers and submit the job task analysis to the Oneida Public Safety and
231 Security Commission for approval.

232 **301.7-2. Hiring Criteria.** Hiring criteria for law enforcement officers, shall be developed by the
233 Oneida Public Safety and Security Commission and implemented by the Police Chief. The hiring

234 criteria shall include, but not be limited to, the following:

- 235 (a) educational requirements;
- 236 (b) satisfactory background investigation;
- 237 (c) psychological examination; and
- 238 (d) medical certification.

239 301.7-3. *Hiring Process Outline.* A hiring process outline shall be developed by the Oneida Public
240 Safety and Security Commission and implemented by the Police Chief. The hiring process outline
241 shall detail specific steps involved in the hiring process for law enforcement officers, and steps in
242 the process involving scoring, rank scoring, or grading shall be specified, as well as passing grades
243 or scores. The hiring process outline shall include all pertinent steps involved in the hiring process
244 including, but not limited to, the following:

- 245 (a) application process;
- 246 (b) application screening;
- 247 (c) written test procedures;
- 248 (d) oral interviews;
- 249 (e) physical agility testing;
- 250 (f) background investigation;
- 251 (g) conditional offer of employment; and
- 252 (h) psychological and medical testing.

253 301.7-4. *Approval of Additional Law Enforcement Personnel.*

- 254 (a) The Police Chief shall make a request for the hiring of additional law enforcement
255 personnel through the Human Resources Department processes.
- 256 (b) Upon receiving approval, the Police Chief shall make a formal request to the Human
257 Resources Department for posting the position(s) available. The current job task analysis,
258 hiring criteria. and hiring process outline shall be submitted to the Human Resources
259 Department by the Police Chief.

260 301.7-5. *Process.* All phases of the hiring process shall be conducted in accordance with the
261 hiring process outline. Duties and responsibilities of persons involved in the process shall be
262 specified in the outline.

263 301.7-6. *Eligibility List.*

- 264 (a) Upon completion of all screening steps of the hiring process outline, a list shall be
265 compiled of all candidates based on cumulative scores earned by each applicant in all
266 graded or scored steps of the current hiring process.
- 267 (b) Candidates shall be ranked in inverse numerical order, that is the candidate with the
268 highest cumulative score is ranked “1”, the candidate with the second highest cumulative
269 score is ranked “2”, etc.
- 270 (c) The list shall be reviewed and approved by the Oneida Public Safety and Security
271 Commission and submitted to the Police Chief.
- 272 (d) The eligibility list will be valid for one (1) year from the date it was compiled.
- 273 (e) The order of appointment of applicants to the position of law enforcement officers
274 shall follow the order of the eligibility list contingent upon satisfactory background
275 investigation, psychological testing, and medical testing.

276 301.7-7. *Commencement of Background Investigation.*

- 277 (a) Upon receiving the approved eligibility list, the Police Chief shall direct a subordinate
278 to commence a background investigation upon candidates based on their numerical ranking
279 on the eligibility list, starting with the top candidate.

280 (b) Results of the background investigation shall be forwarded to the Police Chief and the
281 Oneida Public Safety and Security Commission.

282 (c) A candidate may be deemed as having an unsatisfactory background investigation
283 report by either the Police Chief or the Oneida Public Safety and Security Commission.
284 Such determinations by the Police Chief of the Oneida Public Safety and Security
285 Commission shall be made in writing.

286 301.7-8. *Conditional Offer of Employment.* Provided a candidate has satisfactory results in a
287 background investigation, an offer of employment shall be sent to the candidate. The offer shall
288 specify the candidate's appointment to the position of law enforcement officer contingent upon
289 satisfactory psychological and medical testing.

290 301.7-9. *Appointment.* Provided a candidate has passed psychological and medical testing, a
291 formal offer of employment shall be extended to the candidate by the Police Chief. In the event
292 the candidate lacks the minimum educational requirements as specified in Section 301.5-3(a), the
293 contingency of employment shall be specified in the offer.

294 295 **301.8. Promotion of Law Enforcement Officers**

296 301.8-1. *Criteria for Promotion.* The Oneida Public Safety and Security Commission and the
297 Police Chief shall establish specific criteria for the promotion of law enforcement officers. The
298 criteria shall be placed on the notice or position posting for the promotion.

299 301.8-2. *Process.* The process for promotion shall be developed by the Police Chief and approved
300 by the Oneida Public Safety and Security Commission. The specifics of the process shall be placed
301 on the notice or position posting for said promotion.

302 301.8-3. *Psychological Testing Required.* All candidates for promotion shall undergo
303 psychological testing and have a satisfactory report prior to promotion. The results of such test
304 shall be made available to the Police Chief and the Oneida Public Safety and Security Commission
305 chairperson.

306 301.8-4. *Promotion.* Upon completion of all steps in the promotion process, a law enforcement
307 officer may be promoted upon review and recommendation of Oneida Public Safety and Security
308 Commission to the Police Chief.

309 310 **301.9 Disciplinary Proceedings for Law Enforcement Officers**

311 301.9-1. Disciplinary actions for law enforcement officers shall be governed by this provision of
312 the Law. Disciplinary actions of non-sworn personnel of the Oneida Police Department shall be
313 governed by the Nation's laws, policies, and rules governing employment.

314 301.9-2. *Just Cause Standard.* Just cause is determined using the following standards, to the
315 extent possible:

316 (a) Whether the law enforcement officer could reasonably be expected to have had
317 knowledge of the probable consequences of the alleged misconduct.

318 (b) Whether the procedure the law enforcement officer allegedly violated is reasonable.

319 (c) Whether the Police Chief, before filing charges against the law enforcement officer,
320 made a reasonable effort to discover whether the law enforcement officer did, in fact,
321 violate a procedure.

322 (d) Whether the investigation was fair and objective.

323 (e) Whether the Police Chief discovered substantial evidence that the law enforcement
324 officer violated the procedure as described in the charges filed against the law enforcement
325 officer.

326 (f) Whether the Police Chief is applying the rule or order fairly and without discrimination
327 against the law enforcement officer.

328 (g) Whether the proposed discipline is reasonable as it relates to the seriousness of the
329 alleged violation and to the law enforcement officer's record of service with the Oneida
330 Police Department.

331 301.9-3. *Discipline of Employees by the Chief of Police.* The Chief of Police may reprimand or
332 suspend a law enforcement officer for just cause without prior approval of the Oneida Public Safety
333 and Security Commission. The Chief of Police shall report this action to the chairperson of the
334 Oneida Public Safety and Security Commission immediately in writing and explain the cause(s)
335 of the action. A law enforcement officer shall not be entitled to a hearing on the suspension unless
336 the subordinate requests that the Police Chief file charges, which then triggers the hearing process.

337 (a) For any reductions in rank or terminations of a law enforcement officer, the Police
338 Chief shall first file charges with the Oneida Public Safety and Security Commission.

339 301.9-4. *Discipline of the Chief of Police.* The Oneida Public Safety and Security Commission
340 has the sole authority to suspend or terminate the Chief of Police, for cause, upon its own initiative.
341 It may suspend the Chief of Police pending the investigation of written charges received.

342 301.9-5. *Right to Request Hearing.* If a law enforcement officer against whom a disciplinary action
343 of suspension, demotion, or termination has been taken requests a hearing on the matter, the Oneida
344 Public Safety and Security Commission shall proceed with such a hearing. Charges shall then be
345 filed with the Oneida Public Safety and Security Commission by the party initially taking the
346 disciplinary action.

347 301.9-6. *Filing of Charges.*

348 (a) *Standing to File Charges.* Charges may be filed with the Oneida Public Safety and
349 Security Commission by:

- 350 (1) the Chief of Police;
351 (2) a member of the Oneida Public Safety and Security Commission;
352 (3) the Oneida Public Safety and Security Commission as a body; or
353 (4) any aggrieved party.

354 (b) *Content of Charges.* The charges shall be in writing and shall be signed by the charging
355 party. The sources of all information contained in the charges shall be stated in the charges
356 or in accompanying documents. Information regarding the names and addresses of
357 witnesses having relevant knowledge relating to the charges may be embodied in a separate
358 statement accompanying the charges. The charges shall identify the person who is charged
359 and specify, if possible, the date(s) and place(s) of the alleged offense(s).

360 (c) *Filing of Charges.* The charges shall be filed with the chairperson of the Oneida Public
361 Safety and Security Commission. Pending disposition of such charges, the Oneida Public
362 Safety and Security Commission or Police Chief may suspend the employee.

363 (d) *Service of Charges.* Following service upon the Oneida Public Safety and Security
364 Commission chairperson, a copy of the charge shall be served upon the person charged. A
365 copy of the charge shall be issued to the person charged within five (5) business days after
366 charges are sent to the Commission.

367 301.9-7. *Procedure for Responding to Charges.*

368 (a) *Participation of the Commission.* If the Oneida Public Safety and Security Commission
369 as a body files charges, it shall retain special counsel to prosecute such charges on the
370 Commission's behalf and the Oneida Public Safety and Security Commission shall refrain
371 from any active involvement in the prosecution of such charges. If any member of the

372 Oneida Public Safety and Security Commission files and actively prosecutes such charges,
373 such member shall not participate in deliberating the charges or determining whether they
374 are sustained.

375 (b) *Docket List*. All charges filed with the Oneida Public Safety and Security Commission
376 shall be recorded on a docket list and assigned a number in sequence of filing with the date
377 of filing added in parentheses.

378 (c) *Preliminary Investigation*. Upon the filing of charges, the Oneida Public Safety and
379 Security Commission may have a preliminary investigation conducted to determine if it
380 has jurisdiction in the matter. If the Oneida Public Safety and Security Commission judges
381 that it does not have jurisdiction over the charges, it may dismiss the charges. In the event
382 of such dismissal, the Oneida Public Safety and Security Commission shall notify the
383 complainant in writing of its action.

384 (d) *Scheduling of Hearing*. Following the filing of charges or a request for a hearing, a
385 copy of the charges shall be served upon the person charged. The Oneida Public Safety and
386 Security Commission shall set a date for a hearing not less than ten (10) days or more than
387 thirty (30) days following receipt of the charges. This timeframe may be waived if mutually
388 agreed.

389 301.9-8. *Scheduling Conference*.

390 (a) *Scheduling Conference*. A scheduling conference between the parties and/or their legal
391 counsel is appropriate to establish the procedural timeline leading up to, and the process
392 for, the evidentiary hearing.

393 (b) *Purpose of the Scheduling Conference*. The following matters shall be accomplished
394 at the scheduling conference, and the resolution of these issues shall be memorialized in a
395 scheduling order distributed to the parties:

- 396 (1) Establishing the date(s) of the evidentiary hearing;
- 397 (2) Setting up deadlines to exchange witness lists and any prior written or recorded
398 statements or reports of witnesses;
- 399 (3) Setting up deadlines to identify and exchange exhibits;
- 400 (4) Setting up any discovery deadline. Prehearing discovery is permitted.
- 401 (5) Establishing the process and deadlines to request the Oneida Public Safety and
402 Security Commission to issue subpoenas. The Oneida Public Safety and Security
403 Commission chairperson has the power to issue subpoenas to compel the attendance
404 of witnesses;
- 405 (6) Arranging for the recording of the testimony. The hearing shall be transcribed
406 by a court reporter or otherwise recorded to preserve the evidence in case of an
407 appeal to the Trial Court; and
- 408 (7) Determining if there are any objections to any Oneida Public Safety and
409 Security Commission member participating in the hearing, deliberations, or
410 decision and the basis for such objections.

411 301.9-9. *Evidentiary Hearing*.

412 (a) *Hearing Procedures*.

- 413 (1) The evidentiary hearing shall be conducted in open session.
- 414 (2) Following the evidentiary hearing, the deliberations of the Oneida Public Safety
415 and Security Commission may be conducted in closed session at the discretion of
416 the Commission.
- 417 (3) The Commission's vote following deliberations may take place in closed

418 session, unless the charged party demands that the vote take place in open session.

419 (4) A record of the proceedings shall be created by the Commission. Exhibits
420 introduced shall be marked with a docket number and exhibit number in sequence
421 of introduction.

422 (5) Either or both of the parties may be represented by counsel and may compel
423 the attendance of the witnesses by subpoenas, which shall be issued by the
424 chairperson of the Commission.

425 (6) All testimony of witnesses at hearings shall be given under oath, administered
426 by a member of the Commission.

427 (b) Order of Proceedings. At the hearing, the order of proceedings shall be as follows:

428 (1) Reading of the charges by the president.

429 (2) Opening statement by the parties, if any;

430 (3) Testimony and introduction of evidence by the charging party to substantiate
431 the charges, with cross-examination by the accused;

432 (4) Testimony and introduction of evidence by the accused with cross-examination
433 by the charging party; and

434 (5) Closing arguments.

435 301.9-10. *Deliberations, Findings, Conclusions, Orders from Hearing.*

436 (a) *Finding of Fact.*

437 (1) At the conclusion of the hearing, the Oneida Public Safety and Security
438 Commission shall prepare written findings of fact based upon the testimony and
439 evidence presented and shall prepare conclusions which are based on the findings
440 and an order consistent with such findings and conclusions within three (3) days
441 after the conclusion of the hearing and file it with the Oneida Public Safety and
442 Security Commission Secretary.

443 (2) For purposes of deliberation after the hearing, the Oneida Public Safety and
444 Security Commission shall adjourn into closed session. During the deliberation
445 only Oneida Public Safety and Security Commission members and the
446 commission's attorney shall be present.

447 (b) *Just Cause Standard.* In determining whether there is just cause for discipline, the
448 Oneida Public Safety and Security Commission shall apply the standards set forth in
449 section 301.9-2.

450 (c) *Charges Rescinded.* If the Oneida Public Safety and Security Commission determines
451 that the charges are not sustained, the charged party shall immediately have all related
452 disciplinary action taken to date rescinded and all lost pay or other benefits, if any, restored.

453 (d) *Charges Sustained.* If the Oneida Public Safety and Security Commission determines
454 that the charges are sustained, the charged party, by order of the Commission, may impose
455 any of the following penalties, but is not limited to the penalties listed herein:

456 (1) Verbal consultation;

457 (2) Written reprimand;

458 (3) Suspension without pay;

459 (4) Demotion in rank; or

460 (5) Termination of employment.

461 (e) *Announcement of Decision.* The Oneida Public Safety and Security Commission shall
462 announce its decision in open session.

463 (f) *Appeal of Decision.* Any law enforcement officer suspended, demoted, reassigned, or

464 removed by the Oneida Public Safety and Security Commission may appeal from the order
465 of the Oneida Public Safety and Security Commission to the Judiciary.
466

467 **301.10. Administrative Leave of Law Enforcement Officers**

468 301.10-1. *General.* Administrative leave is an action commenced by the Police Chief affecting
469 the status of a law enforcement officer. A law enforcement officer is temporarily relieved of all
470 law enforcement powers while on administrative leave. The law enforcement officer continues to
471 receive salary and is responsible to report to the Police Chief or perform other duties as assigned.
472 Administrative leave does not denote wrong-doing on the part of the law enforcement officer.

473 301.10-2. *Applicability.* Administrative leave may only be ordered in the following
474 circumstances:

475 (a) The law enforcement officer poses a threat to themselves or others.

476 (b) The law enforcement officer is alleged to have committed a violation(s) which calls
477 for termination of their employment as a law enforcement officer and the matter is under
478 investigation.

479 (c) The law enforcement officer is alleged to have committed a violation(s) that is under
480 investigation and that would cause a loss of public trust in the Oneida Police Department.

481 (d) The law enforcement officer is under investigation for alcohol or drug abuse.

482 (e) The law enforcement officer is under investigation for insubordination, untruthfulness,
483 or commission of a crime.

484 (f) The law enforcement officer demonstrates behavior indicating the law enforcement
485 officer is unfit for duty.

486 301.10-3. *Duration of Administrative Leave.*

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

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

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

495 (b) In cases where the law enforcement officer is placed on administrative leave for other
496 matters not involving formal investigation, the law enforcement officer shall be returned
497 to active duty status upon order of the Police Chief. The period of administrative leave in
498 incidents not involving investigation shall not exceed thirty (30) calendar days.
499

500 **301.11. Firearms Control.**

501 301.11-1. The Oneida Police Department may allow law enforcement use of service firearms in
502 order to protect life, liberty, property, land, and premises, according to the usual and current
503 accepted law enforcement standards.

504 301.11-2. The Nation hereby establishes regulations for the carrying of firearms issued to certified
505 law enforcement officers employed by the Nation.

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

509 (b) Said requirements shall reflect the needs of the Nation in order to protect all persons

510 and property.

511

512 *End.*

~~513~~

515

516 Adopted - BC -10-10-01-C

517 Revisor Correction 2004

518 Amended – BC-02-25-15-C

519 Amended – BC-__-__-__-__



ONEIDA NATION LAW ENFORCEMENT ORDINANCE AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none">▪ Include a new provision providing the policy of the Nation in regard to this law. [3 O.C. 301.1-2];▪ Provide that law enforcement operations can take place outside the Reservation when the operations occur pursuant to any other jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)];▪ Remove the Police Sergeant the positions in the Oneida Police Department that are required to be held by enrolled members of the Nation. [3 O.C. 301.5-1(a)];▪ Require that upon the removal of a Police Chief, in addition to the retirement or resignation, the Oneida Police Commission shall appoint an interim Police Chief. [3 O.C. 301.5-2(b)(4)];▪ Clarify that to the extent that Federal Tort Claims Act coverage does not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3 O.C. 301.5-4];▪ Allow for the sworn oath of a law enforcement officer to take place at a special Oneida Business Committee meeting, or at an alternative time and location as determined by the Oneida Business Committee Secretary, in addition to at a regular Oneida Business Committee meeting. [3 O.C. 301.5-6];▪ Expand the Oneida Police Commission into the Oneida Public Safety and Security Commission, which will oversee the Internal Security Department and any other public safety operation department of the Nation, in addition to the Oneida Police Department. [3 O.C. 301.6];▪ Revise the eligibility qualifications for Oneida Public Safety and Security Commission members. [3 O.C. 301.6-3];▪ Revise the responsibilities of the Oneida Public Safety and Security Commission in regard to the Oneida Police Department. [3 O.C. 301.6-4];▪ Provide that the responsibilities of the Oneida Public Safety and Security Commission in regard to the Internal Security Department or any other safety operation department of the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. [3 O.C. 301.6-5];

	<ul style="list-style-type: none"> ▪ Revise the disciplinary proceedings for law enforcement officers. [3 O.C. 301.9]; ▪ Move all provisions regarding the use of firearms to section 301.11 of the Law, and provide that 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 current accepted law enforcement standards. [3 O.C. 301.11-1]; and ▪ Make other minor drafting changes throughout the Law.
Purpose	The purpose of this law is to regulate the conduct of the Nation’s law enforcement personnel according to the highest professional standards. [3 O.C. 301.1-1].
Affected Entities	Oneida Police Department, Oneida Police Commission, Internal Security Department
Public Meeting	A public meeting was held on March 14, 2025. One (1) person made oral comments during the public meeting. The public comment period was then held open until March 21, 2025. No submissions of written comments were received during the public comment period.
Fiscal Impact	A fiscal impact statement has not yet been requested.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 **A. Background.** The Oneida Nation Law Enforcement Ordinance (“the Law”) was originally adopted by
 3 the Oneida Business Committee in 2001 through resolution BC-10-10-01-C. The purpose of the Law
 4 is to regulate the conduct of the Nation’s law enforcement personnel according to the highest
 5 professional standards. [3 O.C. 301.1-1]. It is the policy of the Nation to ensure that the law
 6 enforcement personnel operates at the highest level of professional standards to ensure the safety and
 7 welfare of the community. [3 O.C. 301.1-2].

8 **B. Request for Amendments.** The request for amendments to the Law originally came before the
 9 Legislative Operating Committee in 2014 from the Oneida Police Department and the Oneida Law
 10 Office for clarification on whether Conservation wardens qualified as sworn officers. The Legislative
 11 Operating Committee originally added this item to its Active Files List on September 17, 2014. This
 12 legislative matter was then carried on the Active Files List for more than three legislative terms. The
 13 Legislative Operating Committee added the Oneida Nation Law Enforcement Ordinance amendments
 14 to its Active Files List this legislative term on October 4, 2023.

15
 16 **SECTION 3. CONSULTATION AND OUTREACH**

17 **A.** Representatives from the following departments or entities participated in the development of the
 18 amendments to the Law and this legislative analysis:

- 19 ▪ Oneida Police Department;
- 20 ▪ Oneida Police Commission;
- 21 ▪ Oneida Business Committee;
- 22 ▪ Oneida Law Office;
- 23 ▪ Internal Security Department;
- 24 ▪ Oneida Gaming Commission; and the

- 25 ▪ General Manager.
- 26 **B.** The following laws were reviewed in the drafting of this analysis:
- 27 ▪ Boards, Committees, and Commissions law; and
- 28 ▪ Oneida Personnel Policies and Procedures.
- 29

30 **SECTION 4. PROCESS**

- 31 **A.** The development of the proposed amendments to the Law complies with the process set forth in the
- 32 Legislative Procedures Act (LPA).
 - 33 ▪ On October 10, 2023, the Legislative Operating Committee added the Oneida Nation Law
 - 34 Enforcement Ordinance to its Active Files List.
 - 35 ▪ On September 4, 2024, the Legislative Operating Committee approved the draft of the proposed
 - 36 amendments to the Law and directed that a legislative analysis be developed.
 - 37 ▪ On January 15, 2025, the Legislative Operating Committee approved the updated draft and
 - 38 legislative analysis for the Oneida Nation Law Enforcement Ordinance amendments.
 - 39 ▪ On February 5, 2025, the Legislative Operating Committee approved the public meeting packet
 - 40 for the amendments to the Oneida Nation Law Enforcement Ordinance and forwarded this
 - 41 legislative item to a public meeting to be held on March 14, 2025.
 - 42 ▪ On March 14, 2025, the public meeting was held. One (1) person provided oral comments during
 - 43 this public meeting.
 - 44 ▪ The public comment period was then held open until March 21, 2025. No individuals provided
 - 45 written comments during this public comment period.
 - 46 ▪ On April 2, 2025, the Legislative Operating Committee accepted the public comments and the
 - 47 public comment review memorandum and deferred these items to a work meeting for further
 - 48 consideration. The Legislative Operating Committee then reviewed and considered those
 - 49 comments that same day.
- 50 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 51 regarding the development of the amendments to the Law this legislative term:
 - 52 ▪ March 6, 2024: LOC work session with the Oneida Police Department and the Oneida Law Office.
 - 53 ▪ March 28, 2024: LOC work session.
 - 54 ▪ April 19, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida
 - 55 Police Commission, and the Internal Security Department.
 - 56 ▪ June 7, 2024: LOC work session with the Oneida Police Department, Oneida Law Office, Oneida
 - 57 Police Commission, and the Internal Security Department.
 - 58 ▪ July 26, 2024: LOC work session with the Oneida Police Department and the Oneida Police
 - 59 Commission.
 - 60 ▪ September 4, 2024: OBC Officers' Meeting.
 - 61 ▪ September 4, 2024: LOC work session.
 - 62 ▪ October 8, 2024: LOC work session with Oneida Police Department, Oneida Law Office, Oneida
 - 63 Police Commission, Internal Security Department, Oneida Gaming Commission, and the General
 - 64 Manager.
 - 65 ▪ October 9, 2024: Phone call with Oneida Law Office.
 - 66 ▪ October 18, 2024: LOC work session.
 - 67 ▪ October 24, 2024: LOC work session.
 - 68 ▪ April 2, 2025: LOC work session.

- 69 ▪ Apri8l 10, 2025: Work session with Oneida Law Office.

70

71 **SECTION 5. CONTENTS OF THE LEGISLATION**

72 **A. Policy.** The current Law does not include a policy statement. Amendments to the Law will include the
73 addition of a policy statement, which will provide that it is the policy of the Nation to ensure that law
74 enforcement personnel operate at the highest level of professional standards to ensure the safety and
75 welfare of the community. [3 O.C. 301.1-2].

- 76 ▪ *Effect.* The inclusion of a policy statement complies with the formatting requirements of section
77 109.11-1(a)(2) of the Legislative Procedures Act which requires that all laws of the Nation contain
78 a policy section which indicates the direction the law is to take, including impetus or underlying
79 goal of the regulation.

80 **B. Jurisdictional Exception.** Section 301.4-1 of the current Law provides that all law enforcement
81 operations shall take place on and within the Oneida Reservation unless there is a potential that safety
82 and welfare of an individual is being compromised, or the enforcement operations take place pursuant
83 to mutual aid agreements with local governments. The proposed amendments to the Law maintain the
84 current provision of the Law while also adding a provision which provides that law enforcement
85 operations can take place outside the Reservation when the operations occur pursuant to any other
86 jurisdictional exception that may exist for law enforcement officers. [3 O.C. 301.4-2(c)].

- 87 ▪ *Effect.* The proposed amendments to the Law recognize that there may be other jurisdictional
88 exceptions that exist for law enforcement officers in other laws, and therefore provides greater
89 flexibility for the Nation’s law enforcement officers when operating outside of the Reservation.

90 **C. Oneida Police Department Restrictions.** Section 301.5-3(d) of the current Law provides that the
91 positions of Police Chief, Assistant Chief, Police Lieutenant or Sergeant, Conservation Director, and
92 Assistant Conservation Director are required to be held by only members of the Nation. The proposed
93 amendments to the Law revise the requirement for what job positions in the Oneida Police Department
94 are required to be held by enrolled members of the Nation, and require that only the Police Chief,
95 Assistant Chief, and Police Lieutenant be enrolled members of the Nation. [3 O.C. 301.5-1(a)].

- 96 ▪ *Effect.* The proposed amendments to the Law remove the positions of Police Sergeant,
97 Conservation Director, and Assistant Conservation Director from the requirement to be held by
98 members of the Nation. The positions of Conservation Director and Assistant Conservation
99 Director were removed from the Law as they are not positions of the Oneida Police Department.
100 The position of Police Sergeant was removed because it provides the Oneida Police Department
101 greater flexibility in filling its vacant positions. Indian preference in hiring still applies to the hiring
102 of the Police Sergeant position in accordance with the Oneida Personnel Policies and Procedures.

103 **D. Notification of Removal of a Police Chief.** Section 301.6-5(d) of the current Law provides that upon
104 accepting retirement notification or the resignation of a current Police Chief, the Oneida Police
105 Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the
106 process for appointment of a new chief can be completed. The proposed amendments to the Law also
107 recognize that upon the removal of a Police Chief, the Oneida Police Commission shall appoint an
108 interim Police Chief. [3 O.C. 301.5-2(b)(4)].

- 109 ▪ *Effect.* The Law was amended to include the removal of a Police Chief as a circumstance in which
110 the Oneida Police Commission shall appoint an interim Police Chief to be more inclusive of all
111 circumstances that may arise in which an interim Police Chief would need to be appointed.

- 112 **E. *Liability Coverage.*** Section 301.5-4 of the current Law provides that the Nation shall provide
113 professional liability insurance for all law enforcement officers and Conservation Officers. The
114 proposed amendments to the Law clarify that to the extent that Federal Tort Claims Act coverage does
115 not apply, the Nation shall provide professional liability insurance for all law enforcement officers. [3
116 *O.C. 301.5-4*].
- 117 ▪ *Effect.* The Law was amended to recognize that the Federal Tort Claims Act does provide some
118 liability coverage for law enforcement officers, and therefore a reference to that policy was
119 included.
- 120 **F. *Law Enforcement Officers to be Sworn.*** Section 301.5-6 of the current Law provides that all law
121 enforcement officers shall be installed by sworn oath before the Oneida Business Committee at a
122 regular meeting. The proposed amendments to the Law provide that all law enforcement officers be
123 installed by sworn oath before the Oneida Business Committee during a regular or special Oneida
124 Business Committee meeting, or at an alternative time and location as determined by the Oneida
125 Business Committee Secretary. [3 *O.C. 301.5-6*]. The proposed amendments then clarify that when
126 taking an oath, the law enforcement officer shall appear in person to take their oath, except if granted
127 permission by the Oneida Business Committee Secretary to appear through video conferencing, or
128 through other telecommunications. [3 *O.C. 301.5-6(a)*]. If an oath is administered outside of an Oneida
129 Business Committee meeting, a quorum of Oneida Business Committee members are required to be
130 present to witness the oath. [3 *O.C. 301.5-6(b)*].
- 131 ▪ *Effect.* The proposed amendments provide greater flexibility for when a law enforcement officer
132 may take their sworn oath.
- 133 **G. *Oneida Public Safety and Security Commission.*** Section 301.4-7 of the current Law establishes the
134 Oneida Police Commission to provide oversight regarding the activities and actions of the law
135 enforcement operations to provide the greatest possible professional services to the Oneida community
136 and to allow for community input regarding those law enforcement services through its representatives
137 on the Police Commission. Section 301.6 of the current Law then goes on to provide for the
138 qualifications, appointment term, responsibilities, and removal of the Oneida Police Commission. The
139 proposed amendments to the Law expand the Oneida Police Commission into the Oneida Public Safety
140 and Security Commission. [3 *O.C. 301.6*]. The purpose of the Oneida Public Safety and Security
141 Commission is much the same as the Oneida Police Commission, except that it is now expanded to
142 have oversight authority over the Internal Security Department and other department of the Nation that
143 focuses its operation on public safety, in addition to the Oneida Police Department. [3 *O.C. 301.6-1*].
144 The terms of appointment for commissioners on the Oneida Public Safety and Security Commission
145 remains the same as it was for the Oneida Police Commission. [3 *O.C. 301.6-2*].
- 146 ▪ *Effect.* The proposed amendments to the Law expand the Oneida Police Commission into the
147 Oneida Public Safety and Security Commission in recognition that are more departments currently
148 than just the Oneida Police Department that focus on the safety and security of the Nation, and this
149 could be expanded even more in the future, and therefore the same oversight that the Oneida Police
150 Commission provides the Oneida Police Department should be provided for all safety and security
151 departments of the Nation.
- 152 **H. *Eligibility Qualifications.*** Section 301.6-3 of the current Law provides the eligibility requirements for
153 serving on the Oneida Police Commission, which include: be a member of the Nation, be twenty-five
154 (25) years of age or older; have a satisfactory background investigation; submit to drug testing prior to
155 appointment and on an annual basis; not be an employee of the Oneida Police Department; attend

156 applicable training; and be a person of known good standing in the community. The eligibility
157 qualifications for the Oneida Public Safety and Security Commission remain much the same as the
158 Oneida Police Commission except that the following eligibility requirements were removed from the
159 Law: that an individual submit to drug testing prior to appointment and on an annual basis; the
160 individual attend applicable training; and be a person of known good standing in the community. [3
161 O.C. 301.6-3]. The proposed amendments to the Law also clarify that in addition to not being an
162 employee of the Oneida Police Department, the individual cannot be an employee or terminated from
163 the Oneida Police Department, Internal Security Department, or any other public safety operation
164 overseen by the Oneida Public Safety and Security Commission. [3 O.C. 301.6-3(d)].

165 ■ *Effect.* The eligibility requirement that an individual submit to drug testing prior to appointment
166 and on an annual basis was removed from the Law due to the fact that other boards, committees,
167 and commissions of the Nation do not include a similar requirement, and it was unknown why it
168 was necessary to include that requirement for the Oneida Police Commission when the Commission
169 members already have to pass a background investigation. The eligibility requirement that the
170 individual attend applicable training was removed because this was determined that it was not so
171 much of an eligibility requirement, but more so a training requirement. The eligibility requirement
172 that a person be of known good standing in the community was removed because the notion of
173 “good standing” was too subjective and left a lot open to interpretation and would not be necessarily
174 needed because a person already has to pass a background investigation. And finally, the eligibility
175 requirement that an individual cannot be an employee or terminated from the Oneida Police
176 Department, Internal Security Department, or any other public safety operation overseen by the
177 Oneida Public Safety and Security Commission was included in recognition that the Oneida Public
178 Safety and Security Commission oversees multiple areas, and therefore employment in any of those
179 areas is forbidden to avoid any potential or actual conflicts of interest.

180 **I. *Responsibilities of the Commission in regard to the Oneida Police Department.*** Section 301.6-1 of
181 the current Law provides for the responsibilities of the Oneida Police Commission in regard to the
182 Oneida Police Department. In the proposed amendments to the Law, the responsibilities of the Oneida
183 Public Safety and Security Commission have been provided for in section 301.-4. Many of the
184 responsibilities the Oneida Police Commission had over the Oneida Police Department remain the same
185 through the transition to the Oneida Public Safety and Security Commission, including the following
186 the responsibilities to: appoint, suspend, or remove the Police Chief of the Oneida Police Department;
187 approve all law enforcement officer appointments made by the Police Chief including the promotion
188 of subordinates; approve an eligibility list of individuals determined to be eligible for appointment as a
189 law enforcement officer or promotion; hear charges filed against law enforcement officers or other
190 appointed personnel of the Police Department, whether filed by the Oneida Public Safety and Security
191 Commission or the Police Chief, make findings and determinations, and impose penalties, up to and
192 including termination; Hear appeals of disciplinary actions against any law enforcement personnel –
193 with the clarification added that the Oneida Public Safety and Security Commission shall not have
194 authority over disciplinary actions of non-sworn personnel; and adopt standard operating procedures
195 governing the Oneida Public Safety and Security Commission’s management of its own activities. [3
196 O.C. 301.6-4]. The following responsibilities over the Oneida Police Department were removed from
197 the Law with the proposed amendments: adopt, modify, and repeal rules governing how lists of
198 individuals, concluded to be eligible for appointment to law enforcement officer and promotion, are
199 established; approve competitive examinations used to judge suitability for appointment or promotion

200 of law enforcement officers; suspend law enforcement officers or other appointed personnel of the
201 Police Department pending the filing and hearing of charges against them, subject to the provisions of
202 301.10; initiate charges against law enforcement officers or other appointed personnel of the Police
203 Department.

204 ▪ *Effect.* The responsibilities of the Oneida Public Safety and Security Commission over the Oneida
205 Police Department were amended to reflect the current practices of the Oneida Police Commission
206 over the Oneida Police Department.

207 **J. *Responsibilities of the Commission in regard to Internal Security and other Departments.*** The
208 proposed amendments to the Law provide that the responsibilities of the Oneida Public Safety and
209 Security Commission in regard to the Internal Security Department or any other safety operation
210 department of the Nation shall be provided for in the Oneida Public Safety and Security Commission
211 bylaws. [3 O.C. 301.6-5].

212 ▪ *Effect.* The amendments to the Law provide that the responsibilities of the Oneida Public Safety
213 and Security Commission in regard to the Internal Security Department or any other safety
214 operation department of the Nation shall be provided for in the Oneida Public Safety and Security
215 Commission bylaws, since it would not be appropriate for those responsibilities to be included in
216 this Law because this Law governs law enforcement, and the Internal Security Department and any
217 other safety operation of the Nation are not law enforcement.

218 **K. *Disciplinary Proceedings for Law Enforcement Officers.*** Section 301.9 of the current Law provides
219 for the disciplinary proceedings for law enforcement officers. This section of the Law was entirely
220 rewritten with the proposed amendments to the Law to simplify and clarify the disciplinary process.
221 The proposed amendments to the law provide for the just cause standard, discipline of law enforcement
222 officers by the Chief of Police, discipline of the Chief of Police, the right to request a hearing, filing of
223 charges, procedure for responding to charges, scheduling conference, evidentiary hearing, deliberations
224 and findings, and orders from the hearing. [3 O.C. 301.9].

225 ▪ *Effect.* The proposed amendments to the Law simplify and clarify the disciplinary process.

226 **L. *Firearms Control.*** Section 301.4-6 of the current Law provides that the Oneida Police Department
227 may allow law enforcement use of service firearms in order to protect life, liberty, property, land, and
228 premises, according to the usual and minimum accepted law enforcement standards as determined by
229 the Police Chief with approval of the Oneida Police Commission. The current Law then goes on to
230 clarify that the actual use of deadly force shall be allowed solely for the protection of life or the
231 prevention of grievous bodily harm. Section 301.11-1 of the current Law provides that the Nation
232 hereby establishes regulations for the carrying of firearms issued to certified law enforcement officers
233 employed by the Nation, and then goes onto clarify that the needs and requirements for carrying
234 firearms shall be established and determined by the Police Chief subject to the review of the Oneida
235 Police Commission, and said requirements shall reflect the needs of the Nation in order to protect all
236 persons and property. The proposed amendments to the Law move all provisions regarding the use of
237 firearms to section 301.11 of the Law. The proposed amendments to the Law provide that the Oneida
238 Police Department may allow law enforcement use of service firearms in order to protect life, liberty,
239 property, land, and premises, according to the usual and current accepted law enforcement standards.
240 [3 O.C. 301.11-1]. Section 301.11-2 of the proposed amendments to the Law remain the same except
241 for minor non-substantive updates.

242 ▪ *Effect.* Overall, the proposed amendments to the Law referencing the usual and current accepted
243 law enforcement standards instead of including language within the Law itself ensures that the law
244 enforcement practices of the Nation stay up to date without having to amend the Law. ‘

245 **M. *Other Amendments.*** Overall, a variety of other amendments and revisions were made to the Law to
246 address formatting, drafting style, and organization that did not affect the substance of the Law.
247

248 **SECTION 6. EXISTING LEGISLATION**

249 **A. *Other Related Laws of the Nation.*** The following laws of the Nation are related to the proposed
250 amendments to this Law.

251 ▪ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and
252 Procedures is to provide for the Nation’s employee related policies and procedures including
253 recruitment, selection, compensation and benefits, employee relations, safety and health, program
254 and enterprise rules and regulations, and record keeping.

255 ▪ Section III of the Oneida Personnel Policies and Procedures provides for the Oneida preference
256 and Indian preference in hiring statement of the Nation. Section 301.5-1(a) provides that all
257 positions and appointments of the Oneida Police Department shall be subject to Indian
258 preference in hiring, except that the following positions shall be held only by members of the
259 Nation: Police Chief; Assistant Chief; and Police Lieutenant.

260 ▪ This Law clarifies that disciplinary actions for law enforcement officers is governed by section
261 301.9 pf this Law, while disciplinary actions of non-sworn personnel of the Oneida Police
262 Department shall be governed by the Nation’s laws, policies, and rules governing employment.

263 ▪ *Boards, Committees, and Commissions Law.* The Boards, Committees, and Commissions law
264 governs boards, committees, and commissions of the Nation, including the procedures regarding
265 the appointment and election of persons to boards, committees and commissions, creation of
266 bylaws, maintenance of official records, compensation, and other items related to boards,
267 committees, and commissions [1 O.C. 105.1-1].

268 ▪ Section 301.6 of this Law establishes the Oneida Public Safety and Security Commission.

269 ▪ The Oneida Public Safety and Security Commission is required to comply with all
270 provisions of the Boards, Committees, and Commissions law.
271

272 **SECTION 7. OTHER CONSIDERATIONS**

273 **A. *Bylaws of the Oneida Public Safety and Security Commission.*** With the expansion of the Oneida
274 Police Commission into the Oneida Public Safety and Security Commission provided through the
275 proposed amendments to this Law, the bylaws of the Commission will need to be updated. Specifically,
276 section 301.6-5 of the Law states that the responsibilities of the Oneida Public Safety and Security
277 Commission in regard to the Internal Security Department or any other safety operation department of
278 the Nation shall be provided for in the Oneida Public Safety and Security Commission bylaws. The
279 Boards, Committees, and Commissions law provides the requirements that must be followed for bylaws
280 of a board, committee, or commission. [1 O.C. 105.10]. In May of 2024, the Legislative Operating
281 Committee collaborated with the Oneida Law Office and the Government Administrative Office to
282 discuss how to improve the process for amending bylaws for boards, committees, and commissions of
283 the Nation. The Legislative Operating Committee no longer processes amendments to bylaws for
284 boards, committees, and commissions of the Nation, as it was determined that the Government
285 Administrative Office and the board, committee, or commission’s assigned attorney from the Oneida

286 Law Office will instead assist in developing amendments to bylaws. This change in process will allow
287 bylaw amendments to be directly placed on an Oneida Business Committee meeting agenda for
288 approval which streamlines the process.


289 ▪ *Conclusion.* Amended bylaws should be presented for adoption at the same time that the proposed
290 amendments to the Law are presented for adoption to ensure a smooth transition between the
291 Oneida Police Commission and the Oneida Public Safety and Security Commission. The
292 Legislative Operating Committee should ensure that the need for amended bylaws be
293 communicated to the Oneida Law Office and Government Administrative Office.

294 **B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
295 legislation except emergency legislation [*1 O.C. 109.6-1*]. Oneida Business Committee resolution BC-
296 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
297 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
298 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
299 completing the fiscal impact statement.

300 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
301 statement be completed.

302



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
Lawrence Barton, Oneida Business Committee Treasurer
FROM: Jameson Wilson, Legislative Operating Committee Chairman 
DATE: April 16, 2025
RE: Oneida Nation Law Enforcement Ordinance Amendments Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing amendments to the Oneida Nation Law Enforcement Ordinance. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [1 O.C. 109.6-1].

Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*” provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On April 16, 2025, the Legislative Operating Committee approved the final draft of the proposed amendments to the Oneida Nation Law Enforcement Ordinance Amendments. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Oneida Nation Law Enforcement Ordinance Amendments by April 30, 2025.

A copy of the proposed amendments to the Oneida Nation Law Enforcement Ordinance Amendments, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the proposed amendments to the Oneida Nation Law Enforcement Ordinance Amendments by April 30, 2025.

April 2025

April 2025							May 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p>Mar 31</p>	<p>Apr 1</p> <p>9:00am Code of Ethics Law Amendments</p> <p>10:00am Probate Discussion: Division of</p> <p>11:00am Probate Discussion: Oneida Law</p> <p>2:00pm Furlough + Layoff</p> <p>3:30pm Probate</p>	<p>2</p> <p>9:30am LOC Prep Meeting (Microsoft Teams Meeting) - Clorissa N.</p> <p>10:00am Legislative Operating Committee Meeting (Microsoft</p> <p>12:00pm LOC Community Work Session:</p>	<p>3</p>	<p>4</p>
<p>7</p>	<p>8</p>	<p>9</p>	<p>10</p>	<p>11</p>
<p>14</p> <p>10:00am Boards, Committees, Commissions amendments - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz</p>	<p>15</p> <p>10:30am Eviction and Termination Law Amendments Work Meeting (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman</p>	<p>16</p> <p>8:30am LOC Prep Meeting (Microsoft Teams Meeting;</p> <p>9:00am Legislative Operating Committee Meeting (Microsoft</p> <p>10:00am LOC Work Session [HFT Law</p>	<p>17</p>	<p>18</p>
<p>21</p>	<p>22</p>	<p>23</p> <p>10:00am Legislative and Legal Update Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman</p>	<p>24</p>	<p>25</p>
<p>28</p> <p>10:00am Higher Education Law/Rule Review (Microsoft Teams Meeting;</p> <p>1:30pm Indian Preference in Contracting (Microsoft Teams Meeting) - Grace L.</p>	<p>29</p> <p>10:00am Independent Contractor Policy amendments -work</p> <p>1:00pm Conflict of Interest Law amendments - work</p> <p>2:00pm Public Use of Tribal Land Law</p>	<p>30</p> <p>10:00am Vendor Licensing - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz</p>	<p>May 1</p>	<p>2</p>