

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. 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-05-14-25-B.

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 This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.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

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

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

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

301.4. General Principles

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

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

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

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

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

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

301.5. Oneida Police Department

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

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

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

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

- (a) The Police Chief shall have authority over departmental personnel and operations, subject to the authority of the Oneida Public Safety and Security Commission.
- (b) *Qualifications and Process for Appointment as Police Chief.*

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

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

(A) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from the applicable State of 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 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) *Educational Requirements.* All persons shall meet the following minimum education requirements within five (5) years of their hire date:

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

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

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

(b) *Conditional Employment.* Any person who is not a certified law enforcement officer at the time of hire, is considered a conditional employee and 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 attain the educational requirements 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 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 law are exempt from the educational requirements specified in section 301.5-3(a).

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

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

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

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

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

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

Safety and Security Commission; or

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

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

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

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

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

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

(d) Hear charges filed against law enforcement officers of the Police Department, whether filed by the Oneida Public Safety and Security Commission or the Police Chief, make findings and determinations, and impose penalties, up to and including termination.

(e) Hear appeals of disciplinary actions against any sworn law enforcement officers.

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

(f) Adopt standard operating procedures governing the Oneida Public Safety and Security Commission’s management of its own activities.

301.6-5. *Responsibilities in Regard to the Internal Security and Other Departments.* 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.

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

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

(a) Misconduct in office;

(b) Conduct which could jeopardize the reputation of the Nation, the Oneida Public Safety and Security Commission, or the public safety system;

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

(d) Violation of the confidentiality of closed hearings or any other information declared confidential by the Oneida Public Safety and Security Commission.

301.7. Appointment of Law Enforcement Officers

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

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

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

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

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

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

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

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

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

301.7-6. *Eligibility List.*

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

301.7-7. *Commencement of Background Investigation.*

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

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

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

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

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

301.8. Promotion of Law Enforcement Officers

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

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

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

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

301.9 Disciplinary Proceedings for Law Enforcement Officers

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

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

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

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

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

(d) Whether the investigation was fair and objective.

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

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

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

301.9-3. *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) 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 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

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

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

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

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

301.9-8. *Scheduling Conference*.

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

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

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

301.9-9. *Evidentiary Hearing*.

(a) *Hearing Procedures*.

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

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

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

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

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

(1) Reading of the charges by the president.

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

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

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

(5) Closing arguments.

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

(a) *Finding of Fact.*

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

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

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

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

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

(1) Verbal consultation;

(2) Written reprimand;

(3) Suspension without pay;

(4) Demotion in rank; or

(5) Termination of employment.

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

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

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

301.10. Administrative Leave of Law Enforcement Officers

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

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

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

301.10-3. *Duration of Administrative Leave.*

- (a) In cases where the law enforcement officer is under formal investigation, the law enforcement officer shall remain on administrative leave until the investigation is completed.
 - (1) If the investigation results in allegations being sustained, the law enforcement officer shall remain on administrative leave pending issuance of discipline.
 - (2) If the investigation results in a finding that the charges were unfounded or not sustained, the law enforcement officer shall be immediately returned to active duty status.
- (b) In cases where the law enforcement officer is placed on administrative leave for other matters not involving formal investigation, the law enforcement officer shall be returned to active duty status upon order of the Police Chief. The period of administrative leave in incidents not involving investigation shall not exceed thirty (30) calendar days.

301.11. Firearms Control.

301.11-1. 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.

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

- (a) The needs and requirements for carrying firearms shall be established and determined by the Police Chief subject to the review of the Oneida Public Safety and Security Commission.
- (b) Said requirements shall reflect the needs of the Nation in order to protect all persons

and property.

End.

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