Posted: June 1, 2021

NOTICE OF PROPOSED CODE AMENDMENT

The following proposed Code Amendment was passed for First Reading by Tribal Council on April 28, 2021.

TITLE: 1 General Provisions
Chapter 1-3 Tribal Police

The Tribal Council wishes to amend CLUSITC Chapter1-3 Tribal Police to remove the position of Chief Law Enforcement Officer and all duties related to this positon. Chief of Police and Tribal Police Officers will be the only positions outlined in this Code.

Please refer to the attached redline for the language of specific amendments.

DATE OF THE TRIBAL COUNCIL MEETING AT WHICH THE PROPOSED CODE IS EXPECTED TO BE CONSIDERED FOR FINAL PASSAGE:

July 11, 2021

The notice of the proposed amendment/creation of Code/Ordinance shall be published in the Tribal Newsletter and the text will be posted for public comment for twenty-eight (28) days in the Administration Building, Tribal Hall, Outreach Offices, on the Tribes' website and at Three Rivers Casino (Office of the Gaming Commission). Written comments should be sent to the Tribal Council in care of Jeannie McNeil, CTCLUSI, 1245 Fulton Avenue, Coos Bay OR 97420 or email: jmcneil@ctclusi.org.

TITLE 1 - GENERAL PROVISIONS

CHAPTER 1-3 TRIBAL POLICE

ESTABLISHMENT OF TRIBAL POLICE

~~1-3-1~~ Purpose

The Tribal Council shall appoint ~~a Chief Law Enforcement Officer and~~ a Chief of Police of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribes) upon such terms and conditions of employment as the Tribal Council shall direct.

~~1-3-2 Chief Law Enforcement Officer~~

~~The Chief Law Enforcement Officer shall be responsible for the performance of those duties and responsibilities as specifically defined in the Tribes' Gaming Code at CLUSITC 5-2-7 and 5-2-8.~~

~~1-3-3~~ 1-3-2Chief of Police

The Chief of Police shall coordinate the law and order program on the lands of the Tribes. The Chief of Police shall meet as necessary with the Tribal Council to discuss the law and order program and make recommendations for improving the efficiency of the program. The Chief of Police, in conjunction with the Chief Executive Officer, shall review the law and order program and prepare annual budgets and shall administer funds used in the law and order program. Subject to the availability of funding, the Chief of Police, with the concurrence of the Chief Executive Officer, shall establish such ranks and appoint and commission officers within the Tribal Police. The Chief Executive Officer shall supervise the Chief of Police.

~~1-3-4~~ 1-3-3 Duties of the Chief of Police

(a) To be responsible for and have charge over all Tribal Police functions within the jurisdiction of the Tribes.

(b) To be in command of the Tribal Police Department, all Tribal Police Officers and Police Department employees.

(c) To instruct, train and advise Tribal Police Officers in their functions, duties and responsibilities for the efficient maintenance of law and order on the lands of the Tribes.

(d) To report to the Chief Executive Officer and Tribal Council on Tribal Police activities that are not confidential.

(e) To select and recommend persons for appointment to and dismissal from the Tribal Police force consistent with Tribal law.

(f) To provide Tribal Police Officers to the Tribal Court to perform bailiff service, service of Court papers or transportation of prisoners if applicable.

(g) To develop a Tribal Police Policy Manual to serve as a standard of conduct to insure the efficient maintenance of law and order on the lands of the Tribes.

(h) To insure cooperation with other law enforcement agencies.

(i) To do such other law enforcement related activities as the Tribal Council shall direct.

(j) To designate an acting Chief of Police in his absence.

~~1-3-5~~ 1-3-4 to 1-3-10 Reserved for Expansion.

TRIBAL POLICE OFFICERS

~~1-3-11~~ Appointment

Tribal Police Officers shall be hired by the Chief of Police. The terms and conditions of employment shall be established by the Chief Executive Officer in accordance with applicable law. All hiring of Tribal Police Officers shall be in accordance with the Tribes' Employee Manual.

~~1-3-12~~ Qualifications

The qualifications of Tribal Police Officers shall be as follows:

(a) A sound physical and mental condition and ability to perform the required duties.

(b) Certification as a police officer under ORS 181.610 to 181.712, or attends the police academy if not currently certified.

(c) High moral character and absence of conviction of a felony or Class A misdemeanor.

(d) High school diploma or GED, twenty-one (21) plus years of age, and a U.S. citizen.

~~1-3-13~~ Duties

The duties of a Tribal Police Officer shall be:

(a) To obey promptly all orders of the Chief of Police and/or the ranking police officers.

(b) To report and investigate all violations of any law or regulation coming to the attention of the Tribal Police Department.

(c) To use discretion as to when to arrest persons for violations of laws and regulations when sufficient grounds exist for doing so.

(d) To lend assistance to other peace officers.

(e) To prevent, whenever possible, violation of the laws.

(f) To be informed as to the Tribal Codes and all other laws and regulations applicable to the lands and jurisdiction of the Tribes and to attend such training sessions as the Chief of Police may direct.

(g) To become familiar with and practice at all times principles of good and lawful police procedure.

(h) To the extent that the Tribal Officer is authorized by Chapter 644, Oregon Laws 2011 to exercise the powers enumerated in Chapter 644, Oregon Laws 2011, a Tribal officer shall comply with all rules adopted by the Department of Public Safety Standards and Training applicable to police officers, including rules specifically applicable to Tribal Police officers.

~~1-3-14~~ Dismissal of Police

A Tribal Police Officer can be suspended or dismissed for noncompliance with the provisions of this Code or other violations of regulations, the Tribal Police Policy Manual, the Tribes' Employee Manual, standing orders of the department or neglect of duty.

~~1-3-15~~ Deputizing and Scope of Authority

(a) When authorized by Tribal Council, Tribal police may be deputized by another jurisdiction to aid in the effective law enforcement on the lands and jurisdiction of the Tribes.

(b) When authorized by Tribal Council, law enforcement officers and other law enforcement personnel from other jurisdictions or other departments or enterprises of the Tribes may be deputized to aid in the enforcement of this Code.

(c) When authorized by Chapter 644, Oregon Laws 2011, Tribal Police may exercise the powers enumerated in Chapter 644, Oregon Laws 2011.

~~1-3-16~~ Police Training

(a) It shall be the goal of the Tribal Police to attract and retain experienced, professional Tribal Police personnel. To this end, the Chief of Police shall establish minimum standards of training, which all Tribal Police Officers will be required to meet. Further, the Chief of Police shall explore, schedule and arrange periodic training and retraining programs for Tribal Police Officers from all available sources. Such programs shall stress not only basic police procedures and techniques, but shall also deal with crime prevention, community and public relations and other appropriate topics. Training is to be in compliance with the Oregon Department of Public Safety Standards and Training.

(b) The Chief Executive Officer, or his or her ~~the Administrator's~~ designee, shall ensure that the Tribes comply with:

(1) the requirements of ORS 181.610 to 181.712 applicable to law enforcement units as defined in ORS 181.610; and

(2) all requirements of all applicable rules adopted by the Department of Public Safety Standards and Training and applicable to law enforcement units as defined in ORS 181.610.

~~1-3-17~~ Fulfillment of Conditions Established in Chapter 644, Oregon Laws 2011

(a) The purpose of this section is to fulfill the conditions enumerated in Section 2(4)(d) of Chapter 644, Oregon Laws 2011.

(b) The Tribes will participate in, and be bound by, a deadly physical force plan or plans approved under ORS 181.781 to 181.796, to the same extent that the county sheriff is required to participate in, and be bound by, such plan or plans. The Chief of Police shall recommend the plan or plans to the Chief Executive Officer, who shall either authorize the Chief to commit the Tribes to the plan or plans or shall deny such authorization.

(c) The Tribes shall retain records related to the exercise of the authority granted to authorized Tribal Police officers under sections 1 to 4 of Chapter 644, Oregon Laws 2011 in a manner substantially similar to the manner in which the provisions of ORS 192.005 to 192.170 require the Department of State Police to retain public records. The Chief Executive Officer, or the Administrator's designee, is authorized to adopt a policy effectuating this requirement.

(d) As provided in CLUSITC 1-6, the Tribes shall provide members of the public with the right to inspect law enforcement records of the Tribal government related to the exercise of the authority granted to authorized Tribal Police officers under sections 1 to 4 of Chapter 644, Oregon Laws 2011 in a manner substantially similar to the manner in which the provisions of ORS 192.410 to 192.505 provide members of the public with the

right to inspect public records of the Department of State Police. The Chief Executive Officer, or the Administrator's designee, is authorized to adopt a policy effectuating this requirement.

(e) The Tribes shall preserve biological evidence in a manner substantially similar to sections 2 to 6, Chapter 275, Oregon Laws 2011. The Chief of Police shall recommend the policy to the Chief Executive Officer. The Chief Executive Officer, or the Administrator's designee, is authorized to adopt a policy effectuating this requirement.

(f) The Tribes shall, as provided in CLUSITC 2-7, waive sovereign immunity, in a manner similar to the waiver expressed in ORS 30.260 to 30.300, as to tort claims asserted in Tribal Court that arise from the conduct of an authorized Tribal Police officer.

(g) The Chief of Police shall recommend to the Chief Executive Officer a written pretrial discovery policy consistent with Section 2(4)(e) of Chapter 644, Oregon Laws 2011. The Chief Executive Officer, or the Administrator's designee, is authorized to adopt a policy effectuating this requirement.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

TRIBAL POLICE

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved amendments to the Tribal Police Code at a Business Meeting April 28, 2021 for first reading, by Resolution 21-044. Vote was 6 (for), 1 (against) and 0 (abstaining)

The Tribal Court Clerk at the direction of the Chief Executive Officer and with the consent of the Tribes' General Counsel is authorized to administratively correct any reference to Tribal Administrator to Chief Executive Officer on October 11, 2020. These changes are technical in nature and do not effect a substantive change to the Code.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the revisions to the Tribal Police Code by Ordinance No. 042D in a Tribal Council meeting on December 11, 2011. Vote was 6 (for), 0 (against), 1 (absent) and 0 (abstaining).

On May 9, 2011, tribal administration made technical updates to Tribal Code Chapter 1-3 to clarify headings and references in Sections 1-3-11 and 1-3-14 to the Tribes' Employee Manual.

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the revision of the Tribal Police Code at a regular Tribal Council meeting, April 12, 2009, Resolution 09-043, Ordinance No. 042C. Vote was 6 (for), 0 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the revision of the Tribal Police Code at a regular Tribal Council Meeting, Resolution No. 06-078, Ordinance No. 042B, on June 11, 2006. Vote was 7 (for), 0 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved and enacted the revisions and renumbering of the "Tribal Police" Code at a regular Tribal Council Meeting, Resolution No. 03-048, Ordinance No. 042A, on November 9, 2003. Vote was 6 (for), 0 (against), and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the "Tribal Police Code", Resolution No. 02-015, Ordinance No. 042, in a regular Tribal Council meeting, on January 13, 2002. Vote was 7 (for), 0 (against) and 0 (abstaining).