

**KICKAPOO TRADITIONAL TRIBE OF TEXAS**  
**TRIBAL POLICE ORDINANCE**

**Section 1. Establishment of the Tribal Police Department**

There is hereby established a Tribal Police Department within the Kickapoo Traditional Tribe of Texas known as the "Kickapoo Traditional Tribe of Texas Tribal Police Department". It shall be the duty of all employees assigned to the Kickapoo Traditional Tribe of Texas Tribal Police Department to serve the public by enforcement of the Tribal laws and rendering such assistance relative to law enforcement as may be necessary, and to protect all persons and property within the Tribal jurisdiction from criminal activities.

**Section 2. Commission in Command**

It being the duty of the Commission to have general supervision of the affairs of the Executive Committee and to perform all duties appertaining to the office of Commission, which duty includes the duty to see that the laws of the Kickapoo Traditional Tribe of Texas are enforced, the Commission shall be recognized as the Commander of the Kickapoo Traditional Tribe of Texas Tribal Police Department. The Commissioners shall keep informed as to the efficiency and conduct of the Tribal Police in the discharge of their duties.

**Section 3. Director of the Tribal Police Department**

The Commission shall appoint a person to be the Director of the Tribal Police Department.

**Section 4. Duties of the Director of the Tribal Police Department**

It shall be the duty of the Director of the Tribal Police Department to:

- (a) Obey the lawful orders of the Commission;
- (b) See that the orders of the Tribal Court are properly carried out, to detail such police officers as may be necessary to carry out the orders of the Tribal Court and to act as bailiff or preserve order during the sessions of the Court;
- (c) Keep informed as to the efficiency and conduct of the Tribal Police in the discharge of their duties, and be responsible to the Commission for the conduct and efficiency of the Officers and employees of the Department, giving them such instruction and advice as may be necessary;
- (d) Subject the Officers and employees of the department to regular inspection, inform them of their duties, and keep a strict accounting of the equipment issued to them in connection with their official duties;

- (e) Report to the Commission all violations of law or regulation and any misconduct of any member of the Tribal Police Department, investigate all reports and charges of misconduct on the part of the officers and employees of the department, and exercise such proper disciplinary measures as may be consistent with existing tribal personnel policies and police regulations; and
- (f) Have general charge over the affairs and activities of the Department and to supervise all Departmental personnel of lesser rank.

## CHAPTER 1

### DEPARTMENT ADMINISTRATION

#### **Section 101. Divisions within the Department**

The affairs of the Tribal Police Department shall be divided into an Enforcement Division, a Support Division, and an Administrative Division.

#### **Section 102. The Administrative Division**

The Administrative Division shall include employees engaged in such jobs as secretary, file clerks, food handlers, jail attendants, dispatchers, and similar job functions which do not directly involve patrol, investigation, arrest and similar duties. Administrative Division personnel need not qualify in firearms training, nor shall they generally have police arrest powers or be issued or allowed to carry firearms. Administrative Division personnel who have a current firearms qualification and who have successfully completed the approved Basic Police Training course may be commissioned as a Police Officer and shall thereafter be authorized to carry firearms and make arrests to the same extent as are Officers in the Enforcement Division.

#### **Section 103. Support Division**

(a) The members of the Support Division shall be persons of good moral character who shall agree to serve the people of the tribe without pay (other than reimbursement for expenses incurred when possible) in order to provide additional security forces in time of need, and shall be known as the Kickapoo Traditional Tribe of Texas Reserve. The Kickapoo Traditional Tribe of Texas Reserve may be issued uniforms distinct from the Officers of the Enforcement Division which shall bear the emblem of the Reserve unit to which they are assigned, and shall be worn by members of that unit when called to active duty.

(b) The Director of the Tribal Police may call one or more individuals or units of the Reserve to active duty at any time additional security forces are deemed necessary to protect the public at such events or gatherings as General Council meetings, tribal elections, and dances or events within the Tribal jurisdiction when additional manpower is needed for security purposes. The Director of the Tribal Police shall rotate the active duty calls on the various units of the Reserve so that security duties are distributed between the units as evenly as possible. Individual members or entire units of the Reserve willing to serve may be assigned to duty for courtroom security and bailiffs duties in the Tribal Court. However, these duties shall be entirely voluntary and may not be required.

(c) Members of any unit of the Kickapoo Traditional Tribe of Texas Reserve need not qualify in firearms training and shall not generally be authorized to carry firearms, however, they shall have police arrest powers when on active duty or when an offense is committed in their presence. Any person arrested by a member of the Reserve shall be delivered into the custody of an Officer of the Enforcement Division of the Tribal Police Department as soon as possible.

Members of any unit of the Kickapoo Traditional Tribe of Texas Reserve who have a current firearms qualification and who have successfully completed the approved Basic Police Training course may be commissioned as a Special Tribal Police Officer and shall thereafter be authorized to carry firearms and make arrests to the same extent as are Officers in the Enforcement Division.

(d) In order to qualify as a member of the Kickapoo Traditional Tribe of Texas Reserve, a person must be:

- (1) Not less than twenty-one years of age;
- (2) A member of the Kickapoo Traditional Tribe of Texas, or the spouse, parent, child, brother, sister, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of a member of the Kickapoo Traditional Tribe of Texas;
- (3) Of good moral character never having been convicted of a felony or other crime for which banishment is a possible punishment under Tribal law, and have, for a period of three years next preceding appointment and during service, have committed no crime other than minor traffic offenses and regularly abstained from being drunk or otherwise abusing alcohol or drugs;
- (4) Have completed, submitted, and had approved by the Director of the Tribal Police, an application on a form provided for that purpose, and have passed a check of the records of the Tribal Court and the Federal Bureau of Investigation for any criminal record; and
- (5) Have taken a public oath to support and defend the Constitution and laws of the Kickapoo Traditional Tribe of Texas, to obey all lawful commands of superior officers, and to fairly and honestly perform the duties required of a member of the Kickapoo Traditional Tribe of Texas Reserve.

Special Reserve commissions may be granted to any person ineligible due to failure to meet qualification (d)(2) above upon request of the members of any unit of the Reserve with the approval of the Director of the Tribal Police Department and the Commission and such person shall be assigned to the unit requesting the special commission.

(e) Upon taking the oath of office, and thereafter as an individuals rank changes or at intervals decided by Police regulation, each Reserve Officer may be issued a commission card containing the individual's photograph, name, rank, badge number, a statement as to whether the officer is authorized to carry firearms, the signatures of the Commission and the Director of the Tribal Police, a badge, a nameplate, and may be issued a uniform. Other equipment necessary to the officers' duties shall be issued as necessary when called to active duty. A member of the Reserve shall be expected to attend such amount of police training during each year as may be required by the Director of the Tribal Police Department.

(f) The commission as a Reserve Officer shall continue during good behavior and continued eligibility for the life of the Officer. Members of the Kickapoo Traditional Tribe of Texas Reserve shall be entitled to wear their uniforms at any organized function of the Tribe, to participate in all law enforcement activities of the Tribe, to attend all police and law enforcement training provided by the tribes to the extent funds are available, to participate individually, by unit, or by division in all social activities sponsored by the Tribe or the Tribal Police Department.

#### **Section 104. Enforcement Division**

The Enforcement Division shall include employees engaged in providing direct patrol, investigation, arrest and similar regular functions of the Tribal Police Department. Enforcement Division personnel must maintain a current qualification in firearms training, and shall have police arrest powers. Enforcement Division personnel who do not have a current firearms qualification, or who do not successfully complete the approved Basic Police Training course within the required time may be reassigned to the Administrative Division, demoted, or dismissed.

#### **Section 105. Special Tribal Police Officers and Cross Deputization**

Any member of the Kickapoo Traditional Tribe of Texas Reserve, and any person regularly employed as a law enforcement officer by the Federal Government, the State of Texas or any of its political subdivisions, or any Indian Tribe within the State of Texas who would meet the minimum qualifications for entry as an Officer in the Enforcement Division of the Tribal Police Department may receive a Special Tribal Police Officer Commission upon the recommendation of the Director of the Tribal Police Department and Commission. Such special commission shall entitle the bearer thereof to exercise the powers and duties of a member of the Enforcement Division of the Tribal Police Department when their assistance is requested within the Tribal jurisdiction by any Tribal official. Such officers shall be under the supervision of regular members of the Enforcement Division of the Tribal Police while actively involved in providing assistance within the Tribal jurisdiction, and shall be entitled to all the authority and immunities of a member of the Tribal Police in such situations.

Officers of the Enforcement Division and Support Division of the Tribal Police Department may accept, with the approval of the Director of the Tribal Police, similar special or deputy commissions from other Indian Tribes in Texas, the State of Texas and any of its political subdivisions, and the Federal Government for which they are qualified, and are authorized, with the consent of their commanding officer or the officer in charge in an emergency situation, to provide all aid and assistance possible to the law enforcement agencies in surrounding jurisdictions in order to protect innocent lives and property, to provide better law enforcement services for all persons, and to apprehend violators of the laws.

All Enforcement Division Officers are encouraged to qualify for, and receive a Deputy Special Officer commission from the Bureau of Indian Affairs.

## **Section 106. Ranks**

Police Officers of the Kickapoo Traditional Tribe of Texas Tribal Police Department, except Special Tribal Police officers, shall be assigned one of the following ranks dependant upon their length of service, the extent of their duties of enforcement and supervision of other employees, and the needs of the Department according to the following descending order:

<u>Rank</u>	<u>Description</u>
A. Commander	Commission, oversees all police activities
B. Director of Police	Supervises all police activities. Conduct investigations.
C. Captain	Supervises all activities of a Division. Conducts investigations.
D. First Lieutenant	Supervises all activities of two or more units in the Enforcement and Administrative Divisions, supervises all activities of a unit in the Support Division. Conducts investigations.
E. Second Lieutenant	Supervises all activities of one unit in the Enforcement and Administrative Divisions, supervises all activities of a twenty person platoon in the Support Division. Conducts Investigations.
F. Sergeant	Supervises all activities of a ten person squad in the Enforcement and Support Divisions. Supervises a department within a unit in the Administrative Division. In Service with the Tribe more than Four years with good behavior, and/or other special qualifications. Patrol and assists in investigations.
G. Police Officer I	Supervises a two – five person patrol group on the Enforcement or Support Divisions. In Service with the Tribe more than two years with two good behavior, and/or other special qualifications. Patrol and assists in investigations.
H. Police Officer II	In Service with the Tribe more than one year with good behavior in the Enforcement or Support Divisions. May supervise trainees, or entry level personnel, as needed. Patrol and assists in investigations.
I. Police Officer III	Entry level patrol officer in the Enforcement or Support Divisions. Patrol and assists in investigations.
J. Administrative Officer I	In Service with the Tribe in the Administrative Division for more than two years with good behavior, and/or other special qualifications. May supervise Administrative Officers. Equivalent to Police Officer I in rank.

K. Administrative Officer II In Service with the Tribe more than one year with good behavior. Equivalent to Police Officer II in rank.

L. Administrative Officer III Entry level personnel in Administrative Division. Equivalent to Police Officer III in rank.

The Director of the Tribal Police Department shall, with the written approval of the Commission, hire, fire, discipline, promote, and demote as necessary persons from and to all ranks of Sergeant and below. The Director of the Tribal Police Department shall, with the approval of the Commission hire, fire, discipline, promote, and demote as necessary persons to and from all ranks from the rank of Lieutenant to the rank of Captain, provided, that in selecting supervisory personnel for the Kickapoo Traditional Tribe of Texas Reserve, each Officer selected, except the Captain, shall be a member of some unit of the Reserve. The choice of the unit or units which the Officer, including the Captain of the Reserve, will supervise shall be given great, but not conclusive, weight in the selection or promotion of such Officers.

The Police Regulations promulgated pursuant to this Title shall provide for distinctive and easily identifiable markings, badges, or other indication of rank which shall be worn at all times that the officer is in uniform or on active duty.

#### **Section 107. Enforcement Division Uniforms**

All Officers in the Enforcement Division shall be issued a Tribal Police Uniform which shall be distinct from the uniforms of the Administrative and Support Divisions, a badge, nameplate, firearm, and such other equipment as is deemed necessary by the Director of Police and authorized in the regulations of the Police Department.

#### **Section 108. Administrative Division Uniform**

The personnel of the Administrative Division may be required to wear a uniform by the regulations of the Police Department, and if so, uniforms distinct from the uniforms of the Enforcement and Support Divisions shall be issued to such persons. All personnel of the Administrative Division shall wear a name tag while on active duty identifying them as personnel of the Police Department.

#### **Section 109. Commission Cards for Enforcement Division Officers**

Each Enforcement Division Officer and the Director of the Tribal Police shall, upon taking their oath of office, and thereafter as an individual's rank changes, or at intervals decided by Police regulation, be issued a commission card containing the officer's photograph, name, rank, badge number, the fact that the officer is authorized to carry firearms and make arrests, the fact that such person is a commissioned law enforcement officer of the Kickapoo Traditional Tribe of Texas, the signatures of the Chairman of the Commission and the Director of the Tribal Police, and the words:

Kickapoo Traditional Tribe of Texas  
Tribal Police Department  
Law Enforcement Division  
Kickapoo Reservation, Eagle Pass, Texas

across the top of such commission.

**Section 110. Identification to be Shown Upon Request**

Every member of the Kickapoo Traditional Tribe of Texas Tribal Police Department shall carry their commission (for other identification in the case of noncommissioned employees) with them at all times when on active duty, and shall, as soon as reasonably practical under the circumstances, exhibit such commission or identification and give their name, rank, and badge number upon request of any person.

**Section 111. Authority to Make Police Regulations**

The Director of the Tribal Police Department is hereby authorized and empowered to make any useful or necessary rule or regulation, not inconsistent with this Title or any other provision of Tribal law or the Indian Civil Rights Act, to promote the efficient, safe, and honest conduct of the activities of the Department. Every such rule or regulation shall be filed for record in the office of the Tribal Secretary and the Clerk of the Tribal Court prior to becoming effective. A copy of every such rule and regulation shall be delivered to the Commission at or prior to the time of filing. The Commission may vacate or modify any such rule in writing filed with the Tribal Council and the Clerk of the Tribal Court.

**Section 112. Tribal Prosecutor and Tribal Attorney as Special Officers**

The Tribal Prosecutor and/or the Tribal Attorney as the prosecutor of the Tribe (when the Tribal Attorney shall agree to serve), as the legal officer of the Tribe, upon qualification in an approved firearms training course, shall be granted a commission as a Special Tribal Police Officer of the Enforcement Division. Such persons shall not receive extra compensation for their activities as Special Tribal Police Officers.

**Section 113. Legal Distance to the Tribal Police Department**

The Commission or the Director of the Tribal Police Department is authorized to request, and the Tribal Prosecutor the Tribal Attorney are authorized to give, legal advice and assistance upon questions of importance affecting the performance of the duties of Tribal Police Officers either personally at the scene of an incident, orally whether in person or by telephone, or by written memorandum. In cases involving serious offenses, and when the need for immediate information or advice is critical to protect persons or property or to preserve the integrity of a criminal case, the officer in charge of the immediate scene of the incident or place where such question arises may contact the



Tribal Prosecutor or the Tribal Attorney immediately without first submitting a request for such information through superior officers. In every such case, the Officer taking such action shall promptly file a report through the immediate superior Officer to the Police Director describing the action taken and detailing the reason immediate information was necessary under the circumstances.

**Section 114 - 200. Reserved**

## CHAPTER 2

### TRAINING AND FIREARM STANDARDS

#### **Section 201. Police Training**

It shall be the duty of the Director of the Tribal Police to maintain from time to time as circumstances require and permit, classes of instruction for the members of the Tribal Police Force. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities, and with court orders and legal forms and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with the citizens of the Tribe, other residents of the Tribal jurisdiction, and surrounding communities in establishing better social and governmental relations.

#### **Section 202. Uniforms**

Uniforms, when worn, shall positively identify the wearer as a law enforcement officer. Badge, name plate and Tribal identification patch shall be visible at all times. Uniforms of each Division of the Tribal Police Department shall be plainly and easily distinguishable, even at a distance. Each officer and employee of the Police Department shall be issued a standard commission card or identification card bearing a photograph of the officer or employee.

#### **Section 203. Unauthorized Wearing of Police Uniforms Prohibited**

It shall be unlawful for any person not a member of the Tribal Police Department, or not honorably retired from active duty from the Tribal Police Department to wear the uniform of a member of the Tribal Police Department. Any person violating the provisions of this section shall be fined not more than Five Hundred Dollars (\$500.00). In every case, such uniform shall be confiscated as contraband. This section shall not apply to such uses of the Tribal Police uniform as may be authorized by the Director of the Tribal Police Department in writing or by regulation for plays, educational events, police department activities and similar functions.

#### **Section 204. Use of Firearms**

A firearm may be discharged in the line of duty only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person.

**Section 207. Types of Weapons and Ammunition to be Used**

The following types of Firearms and ammunition may be issued or used by members of the Tribal Police Department subject to the regulations of the Department:

- (1) 9MM caliber automatic Pistol, factory loaded ammunition.
- (2) .38 caliber Pistol and standard factory load ammunition. Revolvers and two shot derringer only.
- (3) .223 caliber Rifle and standard factory load ammunition. Bolt Action, Semi-Automatic, or Fully Automatic upon compliance with any federal regulation regarding fully automatic weapons.
- (4) 12 gauge Shotgun and standard factory load 1 Buckshot or slugs. Pump or Semi-Automatic Only.
- (5) All duty ammunition shall be provided by the department. No other ammunition shall be used by the members of the Police Department.

Pistols shall have a barrel length not less than two nor more than six inches. Rifles and Shotguns shall have full length factory barrels and shall not be "cut down", , "sawed off", or special ordered with shorter barrels than are readily available to the public. Rifles and Shotguns shall not generally be carried by Police Officers, but may be assigned to patrol vehicles or otherwise issued to members of the Police Department authorized to carry firearms in cases when the need for such weapons is determined by the Director of Police.

Police Officers shall be issued, and may use such other firearm and non-firearm auxiliary equipment as the regulations of the Department shall allow.

## CHAPTER 3

### TRAINING AND EMPLOYEE QUALIFICATIONS

#### **Section 301. Training of Police Officers**

(a) Newly employed Police Officers of the rank of Police Officer I, Police Officer II, or Police Officer III shall successfully complete, prior to or within their first year of service in that rank, the approved Basic Training Police Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Commission and the law enforcement division of the Bureau of Indian Affairs. An officer who fails to complete the training required by this paragraph, except for lack of tribal funds to pay for such training, shall be discharged.

(b) Newly employed Director of Police shall successfully complete, prior to or within his/her first year of service in that rank, the approved Executive Management Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Commission and the Law Enforcement Division of the Bureau of Indian Affairs.

(c) Each law enforcement officer in the Enforcement Division, and the Director of Police shall receive a minimum of forty hours of local in-service training annually to meet training needs determined by the Commission, and to keep abreast with developments in the field of law enforcement.

#### **Section 302. Entry Level Qualifications**

(a) For all positions funded by the Bureau of Indian Affairs, the Commission will develop policies which comply with all Federal guidelines and requirements in entry level hiring.

(b) For all positions funded by Tribal funds, the minimum entry level qualifications for Officers of the rank of Sergeant and below are:

- (1) Not less than twenty-one years of age;
- (2) Of good moral character never having been convicted of a felony or other crime for which banishment is a possible punishment under tribal law, and have, for a period of three years next preceding appointment and during service, have committed no crime;

- (3) Have completed, submitted, and had approved by the Director of the Tribal Police and any other required approval by Tribal authorities, an application on a form provided for that purpose, and have passed a check of the records of the Tribal Courts, and the Federal Bureau of Investigation for any criminal record;
- (4) Have completed High School or received an equivalency certificate from an authority authorized to grant such certificate;
- (5) Have taken a public oath to support and defend the Constitution and laws of the Kickapoo Traditional Tribe of Texas, to obey all lawful commands of superior officers, and to fairly and honestly perform the duties required as a member of the Tribal Police Department;
- (6) Satisfy any other requirement established by Police regulations.

(c) For all positions funded by Tribal funds, the minimum entry level qualifications for Officers of the rank of Second Lieutenant and above are:

- (1) Meet all the qualifications established under subsection (b) of this Section.
- (2) Have completed at least 60 credit hours of college courses from an accredited institution, or have at least five years full time law enforcement experience.

## CHAPTER 4

### DISCIPLINARY ACTIONS

#### **Section 401. Disciplinary or other Adverse Employee Actions**

Prior to taking an adverse disciplinary action against any employee; the Police Department, Police Director, Commission, or other authority authorized by this Title or Police regulation to discipline law enforcement officers shall take the following steps:

- (1) Notify the employee of the contemplated action and give a full specification of the reasons such action is contemplated.
- (2) Provide the employee with a written statement of any specific violation of rules, regulations, or statutes the disciplining authority alleges the employee has committed and the names of all persons upon whose testimony these allegations are based.
- (3) Set a hearing date not less than 15 days after the employee has been given the written statement of allegation.
- (4) Provide the employee and the employee's counsel at the hearing with an opportunity to confront and cross-examine each adverse witness.
- (5) Provide the employee and the employee's counsel at the hearing with an opportunity to delineate issues, to present factual contentions in an orderly manner and to generally protect the employee's interest.
- (6) Reconsider the decision to take the adverse action based solely on the evidence given at the hearing and provide the employee at the time the decision is announced with a written statement of the reasons for the decision and the evidence relied upon in reaching the decision.
- (7) Issue a final order based on the decision reached after the hearing.

#### **Section 402. Code of Conduct**

The Police Director shall by regulation establish a law enforcement code of conduct and shall require each law enforcement officer employed or commissioned by the Department to adhere to the law enforcement code of conduct prescribed by the regulations. The code shall establish specific rules concerning conflicts of interest, employee conduct both on and off duty, impartiality and thoroughness in performance of duty, and acceptance of gifts or favors. The code shall ensure that certain standards of

conduct are included which will require each law enforcement officer to be capable of performing that officer's duties to the greatest extent possible.

#### **Section 403. Statistical Report**

The Tribal Police Department may use the same report forms and submit the same statistical reports to the same Central Office that are required of Bureau of Indian Affairs police programs.

#### **Section 404. Civil Rights Violations**

(a) When a law enforcement officer receives an oral or written allegation that a law enforcement officer employed by the Tribal Police Department has violated the civil rights of any person, the officer receiving the allegation shall prepare a written report of the allegation and transmit it through the chain of command to the Commission within seven days of receipt of the allegation. The Commission shall deliver a copy of the report to the highest law enforcement officer and the Bureau of Indian Affairs. The Commission shall conduct a hearing concerning the incident as provided in section 401 to determine whether the allegations are true and, if so, the disciplinary action to be taken.

(b) If the incident occurs while the Tribal Police Department is receiving federal funds, then not later than seven days after being notified of the allegation, the Commission shall take the following actions:

- (1) Notify the Federal Bureau of Investigation and the agency superintendent or contracting officer's representative. The notice to the Federal Bureau of Investigation shall state whether an investigation is being conducted to determine whether Tribal law was violated and shall cite any relevant provisions of the Tribal code.
- (2) If the officer against whom the allegation is made is an employee of the Bureau of Indian Affairs, prepare a memorandum to the superintendent, who shall, through the area director and the Assistant Secretary-Indian Affairs, transmit to the Director, Office of Audit and Investigation, a request that the allegation be investigated to determine whether any administrative action is warranted. The memorandum shall be transmitted through the superintendent and the area director.
- (3) If the officer against whom the allegation is made is an employee of the tribe, notify both the top Bureau of Indian Affairs law enforcement officer assigned to the agency. If there is no Bureau of Indian Affairs law enforcement officer at the agency, the superintendent and the area special officer shall be notified.

(c) If the highest law enforcement officer is accused of a civil rights violation, the report of the allegation shall be transmitted directly to the agency superintendent, who shall take the actions required by paragraph (2) of this section. If there is no agency superintendent, the report of the allegation shall be transmitted directly to the area director, who shall take the actions required by paragraph (2) of this section.

(d) As soon as all actions required by paragraphs (a), (b), and (c) of this section have been completed, a copy of all documents concerning the allegation shall be transmitted to the Chief, Division of Law Enforcement Services, in the Central Office of the Bureau of Indian Affairs.



## CHAPTER 5

### DETENTION PROGRAMS

#### **Section 501. Minimum Standards for Detention Programs**

The detention and jails unit of the Administrative Division of the Tribal Police Department and any contractor of jail services which receives federal funds shall meet the following minimum standards:

- (1) No sick or injured person may be booked or held in a detention facility unless a medical release has been obtained from a medical officer.
- (2) Any inmate requiring medical attention shall be treated as soon as possible.
- (3) The jailer or nurse shall maintain control over the custody and issue of all medicine to prisoners under treatment for chronic ailments to insure proper use and to guard against overdose.
- (4) Routine in-person inspections of all cells shall be conducted every fifteen (15) minutes to protect the safety and welfare of prisoners. A record of each inspection shall be logged in appropriate records.
- (5) Only persons who have been specifically authorized by the jailer to visit a prisoner or prisoners may be allowed in the cell block areas.
- (6) Special attention shall be given to cells occupied by persons jailed for intoxication to guard against the infliction of personal injury.
- (7) No juvenile may be kept in the same cell with any adult. Nor shall prisoners of opposite sexes be kept in cells within open view of each other.
- (8) Each prisoner shall be served three nutritionally adequate meals a day.
- (9) Each foodhandler shall be given a medical examination and, if training in foodhandling is available locally from the Indian Health Service, shall complete the foodhandler training offered by the Indian Health Service or other appropriate agency prior to employment.
- (10) All jail facilities including kitchens shall be subject to periodic inspections by personnel from the Indian Health Service, the Commission or other appropriate agency to insure proper sanitary conditions.

- (11) The number of persons in each cell may not exceed the number for which the cell was designed.
- (12) A record of all visitors shall be maintained indicating date, time and identity of each visitor.
- (13) Proper precautions shall be taken to insure the safekeeping of property belonging to inmates.
- (14) Prior to, or within six months after, promotion or appointment to a position involving detention/jail duties, an employee shall successfully complete a Detention/Jail Operations and Management Training Course approved by the Assistant Secretary of the Interior for Indian Affairs. An employee who is serving in a position involving detention/jail duties and fails to complete the training required by this paragraph shall be transferred to a position not involving detention/jail or law enforcement duties or discharged. Transfer may result in demotion.

**CHAPTER 6**  
**MISCELLANEOUS PROVISIONS**

**Section 601. Return of Equipment**

Upon the resignation, death or discharge of any member of the tribal police all articles or property issued in connection with the employee's official duties must be returned to the Director of Police or the officer's representative. This provision may be waived by Police regulation as to uniforms and other equipment other than firearms for officers honorably retired or in case of death while in service.

**Section 602. Delegation and Assignment of Duties**

By Police Regulation, the duties of the Director of Police may be delegated to other positions within the Police Department. The Director of Police shall assign such duties to officers and employees of lesser rank as may be necessary for the proper functioning of the Department.

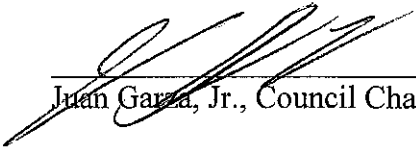
**Section 603. Immunities**

No member of the Tribal Police Department, and no person acting at the request and direction of such member during an emergency situation, shall be held to answer for any personal civil or criminal liability for actions taken within the scope of the person's authority while in the discharge of the Officer's Police duties under the law.


**Section 604. Bonding**

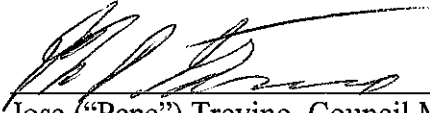
The Director of Police by regulation shall provide for the bonding of all Police Officers in the enforcement division, and such other officers as may be bonded in an amount determined by the Director of Police with the consent of the Commission. The cost of such bonds shall be paid from tribal funds. The sovereign immunity of the Tribe is hereby waived in the Tribal Court only, and only to the extent and scope of the coverage of such bonds as may be in force at any particular time, as to actions by persons injured due to excessive use of force, violation of civil rights, or other cause inflicted by Tribal Police Department personnel. This section shall not be construed to provide any independent cause of action against either the Tribe or its Police Officers.


READ, PASSED, APPROVED AND ENACTED at a duly called Tribal Council meeting on the 14<sup>th</sup> day of September, 2006, and so shown by our signatures.

  
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Juan Garza, Jr., Council Chairman

  
\_\_\_\_\_  
Jesus Anico, Council Secretary

  
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Rogelio Elizondo, Council Treasurer

  
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Jose ("Pepe") Trevino, Council Member

  
\_\_\_\_\_  
David J. Gonzalez, Council Member