



ORDINANCE 11-02

AN ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE LAKE RANCHERIA ESTABLISHING THE BLUE LAKE RANCHERIA POLICE DEPARTMENT AND ESTABLISHING QUALIFICATION, TRAINING AND PERFORMANCE STANDARDS FOR POLICE OFFICERS.

The Business Council ("Council") of the Blue Lake Rancheria ("Tribe") hereby ordains as follows:

Section 1. Findings and Declarations. The Business Council for the Tribe finds and declares that:

1. The Tribe is a federally recognized Indian Tribe organized under the provisions of a written constitution establishing the Blue Lake Business Council as the governing body of the Tribe.
2. Pursuant to the Tribe's Constitution, Article V, Sections 4, 5, and 6(j), the Business Council is vested with the authority to enact ordinances and to establish "branches or agencies" of the Tribal Government.
3. The Tribe is the beneficial owner of the Blue Lake Rancheria ("Reservation") consisting of all lands which are held in trust or restricted status within the exterior boundaries of the Blue Lake Rancheria as established in *Hardwick v. United States of America*, U.S. District Court, Northern District of California, No. C-79-1710-SW and all other lands held in trust by the United States of America for the benefit of the Tribe.
4. With the passage of Public Law 280, the State of California was granted the authority by the United States to enforce its criminal prohibitory laws against persons on the Reservation. Despite this limited grant of criminal jurisdiction, the Humboldt County Sheriffs Department has been unable to provide consistent and effective law enforcement on the Reservation.

5. To protect persons and property located on the Reservation and to ensure that applicable federal, state and tribal laws are enforced, the Business Council finds it necessary to adopt this Ordinance establishing a tribal police department.
6. To make sure that the Chief of Police and the police officers employed by the Tribe are qualified to handle any incident that may arise on the Reservation in a responsible and professional manner, the Business Council finds it necessary to establish, through the adoption of this Ordinance, qualifications and performance standards for its police personnel that are employed by the Tribe to provide law enforcement services on the Reservation.
7. The adoption of this Ordinance is necessary in order to preserve, protect and promote the public health, safety and welfare.

Section 2. Adoption of a New Ordinance Adding Three New Chapters to Title I of the Blue Lake Tribal Code Entitled "Police Department," "Chief of Police," and "Qualifications, Training, and Performance Standards for Police Officers." Three new Chapters, Chapters 14, 15, and 16, entitled "Police Department," "Chief of Police," and "Qualifications, Training, and Performance Standards for Police Officers" are hereby adopted and added to Title I of the Blue Lake Tribal Code and shall provide as follows:

Chapter 14

BLUE LAKE RANCHERIA TRIBAL POLICE DEPARTMENT

Sections:

- 1.14.010 Establishment of the Police Department**
- 1.14.020 Composition of the Department**
- 1.14.030 Department Budget**
- 1.14.040 Sovereign Immunity**

1.14.010 Establishment of the Police Department. There is hereby established within the Tribal Government a separate agency or department which shall be known as the "Blue Lake Rancheria Police Department" ("Department").

1.14.020 Composition of the Department. The Department shall be composed of the Chief of Police and such police officers and personnel as the Chief of Police deems necessary to adequately provide law enforcement services on the Reservation, consistent with the staffing levels and the funds budgeted and appropriated for the Department by the Business Council pursuant to Section 1.14.030 below.

1.14.030 Department Budget. The Chief of Police shall prepare and submit to the Business Council, on or before November 1st of each year, an annual budget for the Department that sets forth each position for the Department and the cost of operating the Department for the

following year. The Business Council shall appropriate the funds approve by it for the costs of operating the Department as set forth in the Department's budget.

1.14.040 Sovereign Immunity. The Tribe is a sovereign governmental entity that can only act through its authorized officers and employees. In carrying out their duties as officers and employees of the Department, said officers and employees are exercising powers expressly delegated to them by the Business Council for the purpose of fulfilling specific governmental purposes. As such, when said officers and employees are acting within the course and scope of their employment, they enjoy the Tribe's sovereign immunity from suit and cannot be sued without the consent of the Business Council. Any person seeking to obtain the consent of the Business Council to file any lawsuit or demand for arbitration against any officer or employee of the Department, must file a claim with the Business Council under the Tribe's Claims Ordinance.

CHAPTER 15

CHIEF OF POLICE

Sections:

- 1.15.010 Office Established.**
- 1.15.020 Qualifications.**
- 1.15.030 Bonding.**
- 1.15.040 Vacancy.**
- 1.15.050 Compensation and Reimbursement.**
- 1.15.060 Powers and Duties.**

1.15.010 Office Established. The Office of the Chief of Police is created and established. The Chief of Police shall report to and be under the direct supervision and control of the Business Council, and when the Business Council is not in session, then the Tribal Administrator, in that order.

1.15.020 Qualifications. No person shall be appointed to the office of the Chief of Police unless he or she possesses the following minimum qualifications:

1. Possession of either a State of California or Bureau of Indian Affairs ("BIA") POST certificate; or the ability to obtain one within 12 months of hiring;
2. Possession of a California Class 3 driver's license;
3. Possession of an Associate Arts degree from an accredited college or university or equivalent education, with major work in the administration of justice or public or business administration or a related field, or three (3) years of experience as a chief of police for a city or a sheriff of a county of the State of California;

4. Knowledge of current principles, practices and techniques of police administration, organization and operation;

5. Knowledge of current laws and regulations pertaining to BIA special officers, federal jurisdiction within Indian Country, and Tribal criminal jurisdiction within a P.L. 280 state;

6. Knowledge of crime prevention and law enforcement techniques including but not limited to investigation, identification, patrol, traffic control, juvenile delinquency control, record keeping, and the care and custody of persons and property;

7. Five (5) years of experience in law enforcement, including at least two (2) years in a responsible middle management capacity, preferably in a Tribal, County or municipal police department; and

8. Passage of a psychological evaluation performed by a licensed psychiatrist or psychologist, concluding that the person is mentally fit for duty.

9. Or be a retired Chief of Police or County Sheriff.

1.15.030 Bonding. The Chief of Police shall, at the discretion of the Business Council, obtain and keep in force and effect during the term of his or her office a bond or errors and omissions insurance policy, the coverage and amount to be determined by the Business Council. Any premium for such bond shall be included in the Department's budget and shall be a proper charge against the Department.

1.15.040 Vacancy. The Chief of Police may appoint, subject to the approval of the Chair of the Business Council, a peace officer from within the Department or who meets the qualifications set forth in Section 1.15.020 above to act as the Chief of Police during any temporary absence or disability of the Chief of Police.

1.15.050 Compensation and Reimbursement. The Chief of Police shall receive such compensation and expense allowances as the Business Council shall from time to time determine and fix by resolution, said compensation and expenses shall be a proper charge against such funds of the Department as the Business Council shall designate in the Department's budget.

1.15.060 Powers and Duties. Under the direction and supervision of the Business Council, or if the Council is not in session, the Tribal Administrator for the Tribe, the Chief of Police shall:

1. Enforce or cause to be enforced all applicable federal, state and tribal laws that the Department has been authorized by the United States, the State of California, or its political subdivisions, and the Business Council to enforce;

2. Arrest, or cause to be arrested, all persons who violate any such applicable laws, or issue, or cause to be issued, citations to said violators;

3. Prepare, plan, direct, supervise, and coordinate the administration, budget, duties, and responsibilities of the Police Department and its personnel;

4. Attend all regular Business Council meetings and such other meetings as the Business Council or Chairman or Tribal Administrator may request;
5. Confer with the Business Council, Tribal officers, and the Tribal citizens of the Tribe on law enforcement problems and assist in the development of Tribal law enforcement policies;
6. Coordinate law enforcement activities with other federal, state, county or city law enforcement agencies including entering into mutual aid or cross-deputization agreements with such agencies;
7. Establish from time to time, as are necessary, written general orders proscribing police officer standards that are consistent with the provisions of Chapters 14, 15, and 16 of this Title I.
8. Establish a chain of command within the Department, including specific positions or ranks for police officers, and specifying the duties and responsibilities of each position in a written job description. Such ranks can include, but are not limited to, the rank of Deputy Chief of Police, Captain, Lieutenant, Sergeant, Corporal, Detective and Patrolman; and
9. Perform such other duties as the Business Council shall from time to time request.

Chapter 16

QUALIFICATIONS, TRAINING AND PERFORMANCE STANDARDS FOR POLICE OFFICERS

Sections:

- 1.16.010 Definitions.**
 - 1.16.020 Philosophy of Enforcement.**
 - 1.16.030 Public Relations.**
 - 1.16.040 Juvenile Matters.**
 - 1.16.050 Confidential Information.**
 - 1.16.060 Use of Firearms.**
 - 1.16.070 Duty and Shift Changes.**
 - 1.16.080 Organization and Administration of the Department.**
 - 1.16.090 Function of Divisions.**
 - 1.16.100 Duties and Responsibilities of Officers.**
 - 1.16.110 Rules of Conduct for Officers.**
 - 1.16.120 Advancements, Promotions, Transfers and Reclassifications.**
 - 1.16.130 Uniform Requirements.**
 - 1.16.140 Vehicular Pursuit Procedures.**
 - 1.16.150 Felony and High risk Vehicle Stops Procedure.**
 - 1.16.160 Handcuffing Procedures.**
- 1.16.010 Definitions.** As used in this Chapter, the following terms shall have the following meanings:

- A. "Accountability" shall mean the state of being held answerable to the Business Council for the proper performance of a duty or function.
- B. "Civilian Employees" shall mean any employee of the Department who does not hold a commission or deputization from the Business Council to be a police officer.
- C. "Commissioned Personnel" shall mean those employees of the Department that have been commissioned or deputized as police officers by the Business Council.
- D. "Department or Departmental" shall mean the Blue Lake Police Department established under Chapter 14 of this Title I.
- E. "Department Manual" shall mean the written rules and regulations of the Department governing the conduct of Department Personnel and the operations, policies and procedures of the Department codified in a book or books, and containing a table of contents and general index.
- F. "Detail" shall mean a person employed by the Department who is delegated the responsibility for the performance of a particular task or tasks which are usually, but not always, specialized in nature.
- G. "Employee" shall mean any person employed by the Department who is paid out of the Department's budget, whether on a regular or part-time basis.
- H. "General Orders" shall mean written directives issued by the Chief of Police which are applicable to the Department as a whole, or any subdivision thereof, which establish a policy, regulation, or procedure concerning a given subject, which are effective until revoked by a subsequent order.
- I. "Misconduct" shall mean any action or conduct on the part of an employee of the Department which, if true, could be grounds for disciplinary action.
- J. "Order" shall mean an instruction, either written or verbal, issued by a superior officer.
- K. "Procedures" shall mean written directives detailing the method by which the work of the Department is to be accomplished; covering the operation of the Department as a whole that are effective permanently or until revoked by a subsequent procedure. Procedures shall not conflict with the provisions of the Department Manual or any General Orders.
- L. "Police Officer" shall mean a person who has been commissioned or deputized by the Business Council as a police officer, regardless of rank or sex and whether the person is temporarily or permanently employed.
- M. "Rank" shall mean a position that a police officer holds within the chain of command for the Department, which, by holding said position, the police officer has been given certain defined supervisory responsibilities over other police officers.
- N. "Seniority" shall mean a status in the Department established first by rank and secondly by continuous time in grade or rank with the Department.

O. "Superior Officer" shall mean a police officer of the Department of higher rank.

P. "Supervisor" shall mean an employee of the Department assigned to a position requiring the exercise of direction and control over subordinates, and includes those performing in an acting or temporary capacity.

Q. "Uniform" shall mean clothing of a distinctive design and color required by the Department to be worn by the employees of the Department. The term shall include articles of equipment required to be worn or carried in conjunction with the uniform.

R. "Unlawful Order" shall mean an instruction, either written or verbal, issued by a superior officer or supervisor which is in violation of a federal, state or tribal law. An unlawful order is also an order which is in conflict with any provision in the Departmental Manual or any General Order, unless emergency conditions justify such order.

S. "Watch Commander" shall mean the designated ranking officer on duty within the Department.

1.16.020 Philosophy of Enforcement. Each officer is vested with the legal authority of the Tribe and is charged with the responsibility to prevent and detect criminal activity, investigate offenses, apprehend offenders, protect life and property, preserve the peace and enforce laws and ordinances. In the discharge of these responsibilities, the actual steps to be taken in any given situation are left to the good judgement, discretion, abilities, initiative and resourcefulness of the individual Police Officer. Each Police Officer must fulfill his/her responsibilities with consideration, self-control, impartiality and honesty. Each Police Officer must do that which is required for the preservation of himself, herself and others, but must refrain from any use of unnecessary or excessive force.

1.16.030 Public Relations. It shall be the policy of the Department to strive to gain the support and to win friendly citizen cooperation in its programs and procedures in order to facilitate the accomplishment of the Department's objectives. The attitude of the public toward the Department is molded by every experience they have in observing, talking to and in being served and controlled by the Department's Police Officers.

The attitude of each Police Officer shall be one of service and courtesy but must be distinguished between service and servility, and between courtesy and softness. Each Police Officer must be firm, but also courteous, avoiding even the appearance of rudeness.

Each Officer shall develop a position that is friendly and unbiased, pleasant and personal in all non-restrictive situations and firm and impersonal on occasions calling for regulation and control. Every Officer must understand that an Officer's primary function is to preserve the peace and to prevent violations, not to arrest people.

The appearance, attitude, habits, private life, and the public contacts of the individual Officer affect the attitude of the public towards the Officer and the Department. Each Officer shall examine their own conduct in all public contacts and avoid situations which unnecessarily bring discredit upon them and the Department.

1.16.040 Juvenile Matters. It shall be of the utmost importance that the Officer's attitude, demeanor and speech toward juveniles be civil and respectful, but at the same time, firm.

It is the responsibility of every employee of the Department to report to the agency having jurisdiction over the matter, any matter coming to their attention in which a juvenile is delinquent or the victim of any offense or neglect.

It is the policy of the Department, in cases involving juveniles that after the proper investigation or the securing of the necessary evidence for evidence for prosecution, the investigating or arresting Officers shall refer to the matter to the Juvenile Probation Officer of the Tribe, or if the Tribe does not have Juvenile Probation Officer, then to the Juvenile Probation Officer for Humboldt County for process and disposition under Public Law 280.

1.16.050 Confidential Information. Employees of the Department shall treat as confidential the official business of the Department, and shall not impart the same to anyone except those to who it is intended, or as directed by their superiors. Employees shall not make known to any person the contents of any order or directive which they may receive, unless so required by the nature of the order.

Employees shall not deliver addresses at public gatherings containing confidential information concerning the Department nor shall they make any statements for publication concerning the plans, policies or affairs of the Administration of the Department, unless authorized to do so.

Employees shall not make any statements or divulge any information that emanates from records on file with the Department to any persons not having the authority to have the same.

1.16.060 Use of Firearms.

A. General (Use of Firearms). A Police Officer may at any time be faced with a situation in which the Officer must make a decision regarding his/her duty to discharge or fire a weapon at a person. Even though the firing of a weapon may be legally justified, there are moral considerations and other factors the Officer must evaluate before shooting. The immediate situation, the nature of the offense, the Officer's own safety and the safety of innocent persons will generally indicate what action is warranted. In determining if the Officer should use deadly force, the Officer should base his/her decision on sound judgment rather than on strict interpretation alone of the applicable laws, Manual provisions or General Orders.

B. Self Defense. When acting in self defense, or in the defense of others, to prevent death or great bodily harm, when there is an immediate and active peril, there is no question about the legal and moral aspects of the use of deadly force necessarily applied to preserve life. Under these circumstances, the Officer must use his/her firearm quickly, and accurately.

C. Overcoming Resistance. When overcoming resistance to arrest, or other lawful actions of the Officer, the law places certain restrictions upon the use of deadly force, and only allows the Officer to use that amount of deadly force that is necessary to protect himself/herself, others or to overcome the resistance. In addition, the Officer must take into consideration the procedures outlined in Section 1.16.060 (D) below, if applicable, in using deadly force to overcome resistance.

D. Fleeing Felon. While the law permits the use of deadly force, reasonably and necessarily used in the attempt to apprehend a fleeing felon, the Officer must consider the following points:

1. Is the Officer convinced beyond a reasonable doubt that a felony has been committed?
2. Is the Officer convinced that it was committed by the person fleeing?
3. Is the Officer convinced that an innocent bystander will not be injured by your action?
4. Is the Officer convinced that the nature of the crime is severe enough to justify the use of deadly force?
5. Is the Officer convinced that he/she has exhausted all other means of apprehension?
6. Does the Officer have reason to believe that the felon may commit a violent crime if not taken into custody immediately?

E. Fleeing Auto. When in pursuit of a person fleeing in a vehicle, the Officer will not fire his/her weapon even though the felon has been given the opportunity, but fails or refuses to surrender.

F. Special Circumstances. In any situation that the Officer knows or has reason to believe that the subject is a juvenile, female, or mentally incompetent person, the Officer should, if at all possible, be even more restrictive in his/her use of deadly force.

G. Warning Shots. AN OFFICER SHALL NEVER FIRE A WARNING SHOT.

1.16.070 Duty and Shift Changes. The Chief of Police or the Chief's designated representative may, at the Chief's discretion, change the duty assignment, location duty assignment, hours of employment or days off of any employee, when such change is necessary to accomplish the assigned objectives of the Department. The Department shall not be responsible for transportation to the assigned duty station.

1.16.080 Off Duty Weapons. No officer shall carry a firearm when off duty, unless that officer is authorized by California law or until certified as a federal peace officer and the carrying of the firearm is authorized by the federal officer's commission.

1.16.090 Organization for Command. Lines of control, permitting the delegation of authority, the placing of responsibility, the supervision of operations and the coordination of effort are established in conformity with the Organizational Chart of the Department which shall be approved by the Chief of Police in accordance with this Section. The Organizational Chart for the Department, approved by the Chief under this Section shall become part of the Department's Manual.

A. Unity of Command. Each individual, unit and situation is under the immediate control of one and only one person. The principle is that the employee should be under the direct control of one and only one supervisor.

B. Chain of Command. All official communications of the Department, whether moving downward, or requests, information, suggestions, or complaints moving upward, shall be confined to official channels. Each link in the chain of command shall be respected in this

regard. The order of chain of command of authority within the Department is as follows: Chief of Police; Deputy Chief of Police; Captain; Lieutenant; Sergeant and Corporal.

C. Departmental Command. In the absence of the Chief of Police and Deputy Chief of Police, the responsibility for the command of the Department shall follow the chain of command.

D. Authority and Responsibility. Each employee assigned an area of responsibility shall have the authority commensurate with that responsibility.

E. Temporary Supervisory Assignments. All employees temporarily performing the duties of a superior in an acting capacity shall be vested with the authority and responsibilities of the superior. Said employees shall not interfere with, countermand, or modify the orders previously issued by the superior, except in an emergency.

F. Exercise of Authority. A ranking Officer shall exercise the authority of his/her position under all conditions which require that he/she use such authority in the best interests of the Department.

G. Supervisory Responsibilities. Each supervisor is responsible and held accountable for the actions, conduct and performance of his/her subordinates and the operation of his/her unit. He/she shall train all subordinates to properly carry out their duties and obligations through his/her instruction, example, guidance, counsel, and development of sound operating procedures. He/she shall make known to them and promote an understanding of these and all other procedures essential to an effective and well disciplined operation.

Each supervisor shall at all times set proper example for his/her subordinates to follow and shall strive to assist them, improve their welfare, promote and maintain a high level of morale and shall never fail to stand behind a subordinate who has acted within his rights. He/she shall at all times be aware of the level of performance of his/her subordinates and shall at prescribed times, fairly and impartially evaluate them, in accordance with Tribal and Department instructions.

H. Delegation of Responsibility. While supervisors may delegate their responsibility for the performance of duties and functions to subordinates, they cannot delegate their accountability.

I. Seniority. When a question of seniority may arise, such seniority shall be determined first by rank or grade, second by the amount of continuous time in that rank or grade, and third by the continuous time on the Department.

When two or more employees are working together on the same assignment or detail and are of equal rank or grade, such seniority shall not be exercised except in an emergency necessitating it, unless one employee has been designated by competent authority as being in command.

1.16.090 Functions of Division.

A. Uniform Patrol Division. The Uniform Patrol Division (“UPD”) is the enforcement arm of the Department and is charged with the maintenance of a 24-hour patrol service within the boundaries of the Reservation, including any land owned by the United States in trust for the Tribe outside the boundaries of the Reservation.

The UPD is responsible for the discharge of all primary law enforcement duties of the division. Some of these are:

1. Maintenance of the public peace through the quelling of disturbances, riots and insurrections.
2. Protection of life and property through patrol and observations of Tribal open space, recreational, residential, commercial, and industrial areas.
3. Crime detection, prevention and suppression through investigation of suspicious circumstances and the elimination of opportunity to commit crime; apprehension of offenders and recovery of stolen property.
4. The initial investigation and reporting of criminal and non-criminal incidents.
5. In addition to its primary duties, certain secondary functions are performed on a routine basis. Some of these are: Responses to requests for medical aid; Enforcement of traffic laws, and preliminary investigation of traffic accidents; Conducting preliminary searches; Assisting outside agencies, and Enforcing court orders.

1.16.100 Duties and Responsibilities of Officers.

A. Chief of Police or Chief. The Chief of Police is the chief executive officer of the Department. The Chief is the final authority in all matters of Departmental Policy, operations and discipline. The Chief exercises all lawful powers of his/her office and issues such orders as are necessary to assure the effective operation of the Department.

The Chief is charged with the responsibility of the maintaining of law and order within the Reservation through the enforcement of all laws and ordinances; the prevention and suppression of affrays, breaches of the peace, riots and insurrections and for the investigation of offenses committed in his/her jurisdiction.

B. Deputy Chief. The Deputy Chief of Police is charged with the same duties and responsibilities as is the Chief of Police. In the absence of the Chief the Deputy Chief of Police follows the above authority and responsibility. The Deputy Chief assists the Chief in the administration of the Department. The Deputy Chief handles all personnel matters and disciplinary matters with the concurrence of the Chief and performs such other tasks as instructed by the Chief of Police.

C. Captain. A Captain is responsible for the operation of all Details and Shifts. The responsibility extends to all hours in which his/her command is operational.

The Captain must train and supervise the subordinates under his/her control and assist them with the performance of their duties when necessary. He/she is responsible for the maintenance for good morale and discipline within his/her command. He/she shall establish such controls as necessary to ensure compliance by his/she subordinates with all orders issued by competent

authority. He/she must also interpret and implement the Department's Manual. In the absence of a Captain, the duties of Captain shall be assigned to a specific officer by the Chief.

D. Lieutenant. In the absence of the Captain, the Lieutenant will follow above authority and responsibility. This level of supervision is to supervise the Uniformed Officers through subordinate personnel on an assigned shift; and to do other work as required. The Lieutenant is distinguished from the sergeant by virtue of emphasis on several or many functional aspects of direct supervision, as well as policy determination and formulation.

A Lieutenant's duties include planning, organizing, supervising and reviewing law enforcement activities on an assigned shift; evaluates field activity and determining necessary deployment of shift; inspecting personnel and equipment for fitness; analyzing and recommending operating policies and procedures; assuming personal command of activities as necessary; preparing detailed and comprehensive reports.

E. Sergeant. The sergeant represents the first level of supervision in the non-ranked police officer series. The sergeant's position is characterized primarily by having a wide latitude for exercising initiative and judgment over operational and program management matters. Also by having authority to make supervisory decisions with a minimal degree of direction from higher levels.

A Sergeant's duties include planning, assigning officers, and he or she supervises, reviews and evaluates the work of the non-ranked police officers and supportive personnel on a shift; evaluates field activity and determines the necessary deployment; inspects personnel, equipment and property; plans, teaches and supervises training programs; develops and implements criminal apprehension programs and procedures; evaluates existing procedures, work flow and reports; assists in analyzing, developing and recommending operating programs and procedures; recommends changes and modifications; prepares detailed staff reports; takes immediate charge of the handling of emergencies, testifies in court to the findings or circumstances of specific cases and perform UPD duties.

F. Corporal. The corporal can be delegated the responsibility of performing any of the duties of the sergeant.

G. Police Officer. A Police Officer is the first line representative of the Tribe. He/she must conduct his/her contacts with the public in a manner conducive to good public relations. The Officer may be called upon to perform a wide variety of assignments in an equally wide variety of circumstances. He/she must inspect his/her assigned equipment before and after duty, attend briefings, roll call, and regular training sessions. He/she must be proficient in emergency vehicle operation and report writing. He/she must arrest offenders, write clear and concise reports and assist the Tribal Attorney's Office with prosecution. He/she may be called upon to assist the citizenry in a variety of non-criminal capacities. He/she may be assigned to maintain security over a given area, and the persons therein and direct and regulate their activities. He/she must assist in the training of new officers and assist other officers and other law enforcement agencies when called upon to do so under the provisions of Public Law 280.

H. Officer Candidate (Minimum Qualifications). An Officer Candidate will possess a minimum of a recognized California Police Basic Academy Certificate, a Level One Police Reserve Certificate, or equivalent Certification from another State or the Federal Government. The Officer Candidate shall be at least (21) twenty one years of age at the time of his/her swearing in and taking the oath of office. The Officer Candidate shall be of good health both

physically and mentally. The Officer Candidate shall have an extensive background investigation conducted on them and must meet the standards of the Department as established by the Chief of Police

1.16.100 Rules of Conduct - General.

1. Standard of Conduct. Employees shall conduct their private and professional lives in such a manner as to avoid bringing discredit to themselves or the Department. No gambling or drinking of any alcoholic beverage will be permitted while in uniform or on duty.

2. Loyalty. Employees shall maintain such loyalty to the Department and their associates as is consistent with their oath of office and professional ethics. Loyalty to the Department and to associates is an important factor in departmental morale and efficiency.

3. Cooperation. All employees shall establish and maintain a high spirit of cooperation within the Department and with other law enforcement agencies. Cooperation between the ranks and units of the Department and with other agencies is essential to effective public safety.

4. Insubordination. Employees shall not be insubordinate. Intentional failure or refusal of any employee of the Department to obey a lawful order given by a superior officer shall be deemed insubordination.

5. Performance of Duty. All employees shall perform their duties as required or directed by federal, tribal, and state law, in that order, departmental rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

6. When to Take Action/On Duty. Employees of the Department, after considering the situation, are to take steps reasonably necessary and consistent with their assignment to effect the enforcement or provisions of Tribal, State and Federal laws and to protect life and property.

7. When to Take Action/Off Duty. Off duty employees of the Department are expected to be discreet, particularly in matters of minor offenses. In case of a felony, or of a clear and immediate danger to life or property, employees are expected to take action. Appropriate action would be the notification to the proper authorities of a crime in progress. If an Police Officer does take any kind of action while off duty, they are to get any necessary report numbers from the concerned agency and they are to make an "informational" type report upon their return to their duty station.

8. Obedience to Laws and Regulations. All employees shall observe and obey all laws and ordinances, all rules and policies of the Department and all General or Special Orders of the Department or Divisions thereof. In the event of improper action or breach of discipline, it will be assumed that the employee was familiar with the law, rule or policy in question.

9. Establishing Elements of a Violation. The existence of facts establishing a violation of law or ordinance is all that is necessary to support any allegation of such as a basis for a charge under the above section. It is not necessary that a formal charge be filed or sustained.

10. Conduct Toward Superior and Subordinate Officers and Associates. Employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. They shall not ridicule one another or the orders issued by competent authority.

11. Courtesy to Rank. While on duty, commissioned personnel holding rank shall be addressed by such rank when in the presence of non-employees of the Department.

12. Criticism of Orders. Employees shall not criticize instructions or orders in the presence of subordinates or persons from outside the Department.

13. Issuing Orders. Orders shall be issued in clear and understandable language and in pursuit of departmental business. No employee shall issue any order which is in violation of any law, or ordinance, or which is beyond the scope of his/her authority.

14. Obedience to Unlawful Orders. Obedience to an unlawful order is never a defense. For an unlawful action; therefore, no employee is required to obey any order which is contrary to any applicable Federal, State or Tribal Law. Responsibility for refusal to obey an unlawful order rests with the employee and they must be able to justify their action.

15. Obedience to Unjust or Improper Orders. An employee who is given an order that he/she feels to be unjust or contrary to rules and regulations, shall discuss this with the superior giving the order. If the order is not modified or rescinded, the employee must obey the order to the best of his/her ability, and may submit a report of the incident to the Captain or if there is no Captain to the officer assigned the Captain's duties.

16. Conflicting Orders. In the event of a conflict of orders, the employee shall call such conflict to the attention of the superior issuing the last order. Responsibility for countermanding the original order then rests with the individual issuing the second order. Should the superior not change or rescind his/her order, then it shall be obeyed, and the employee shall not be held accountable for violating the previous order. Orders will be countermanded, or conflicting orders issued, only when necessary for the good of the Department.

17. Soliciting Gifts, Gratuities, Rewards, Loans, Etc. Employees shall not under any circumstances, solicit any gifts, gratuities, rewards or loans, where there is any direct or indirect connection between their solicitation and their Departmental employment.

18. Acceptance of Gifts, Gratuities, Rewards, Loans, Etc. Employees shall not accept any gift, gratuity, reward or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said employee in any matter of official business, or which might tend to cast an adverse reflection on the Department or any employee thereof.

19. Debts-Incurring and Payments. Employees shall pay all just debts and legal liabilities incurred by them. If not financially able to pay his/her creditors when debt is due, he/she shall contact said creditor and make mutually agreeable arrangements to satisfy the debts.

20. Reporting for Duty. Employees shall report for duty at a specified time and place, no later than 15 minutes prior to the hour of assigned shift and in attire appropriate to their

assignment. Inability to comply shall be reported to their superiors as early as possible in advance of the specified time.

21. Change of Address or Phone Number. Employees shall, within 24 hours, report any change in address or telephone number to their superior, and to the person designated by the Captain to maintain personnel files.

22. Personal Appearance. Employees shall be neat and clean in their person and attire when on duty. They shall maintain good personal hygiene and keep hair neatly trimmed and combed. Employees wearing civilian attire will appear neat and business-like.

23. Damage to Tribal, Private, Real or Personal Property. Any damage to Tribal, private, real or personal property committed in the performance of official duties shall be promptly reported to the employee's superior in writing.

24. Care of Property and Equipment. An employee shall be responsible for the proper care, maintenance and serviceable condition of any Tribal property issued to or assigned to his/her use. He/she shall report to his/her immediate superior the loss of, damage to, or unserviceable condition of any such property. An employee shall not loan any person his/her identification card or badge. An employee shall not permit any unauthorized person the use of any Tribal equipment issued to him/her.

25. Misappropriation of Property. No employee shall appropriate to his/her own use, or the use of another, any property belonging to the Tribe, or any item of evidence, lost, found, stolen or recovered property.

26. Surrender of Tribal Property at Time of Separation. Upon separation from the Department, an employee shall surrender to his/her immediate superior all Tribal and Departmental items of property.

27. Untruthfulness. No employee shall knowingly make false statements or misrepresentations to fellow employees, subordinates or superiors.

28. Removal or Alteration of Official Records Prohibited. An employee shall not remove or alter any official record of the Department except as directed by his/her superiors in accordance with established Departmental Procedures, or under due process of law.

29. Tampering with Evidence. No employee of the Department shall fabricate, withhold, alter, or destroy evidence of any kind. This does not apply to destruction of evidence pursuant to a Tribal Court Order.

30. Official Correspondence. Employees of the Department shall not engage in Official Department Correspondence, or use departmental letterhead without the permission of their Division Commanders or superiors.

31. Absence From Duty. No employee shall be absent from duty without proper leave or permission of his/her appropriate supervisor.

32. Sick Leave. While on official sick leave, an employee shall remain at his/her home or other place of confinement unless authorized by his/her doctor. This section does not

apply to an employee whose physical injuries will not permit his/her return to duty if his/her doctor does not require confinement. No employee shall feign illness or injury, or deceive a superior as to his/her true health condition.

33. Patriotic Courtesy. On the approach of the American Flag, Tribal Flag, or during flag ceremonies, an employee shall stand, face the flag, come to attention, and, if in uniform and covered, shall render a hand salute. An employee uncovered or in civilian dress shall place his right hand over his/her heart. When the National Anthem is played, an employee in uniform shall face the source, stand at attention and, if covered, render a hand salute. An employee uncovered, or in civilian dress shall follow the same procedure, except shall place his/her right hand over his/her heart instead of the hand salute. When a funeral procession for a Department employee or other person to whom national and/or local recognition is given approaches, an employee in uniform shall come to attention, remove his/her hat and hold it over his/her heart. While passing a casket to view the remains, a uniformed employee shall place his/her hat over his/her heart. For funerals of employees of other Departments, a uniformed employee shall wear the full uniform. Employees who wear a uniform to a funeral of an employee or former employee of the Department shall wear the full uniform. A piece of black tape shall be worn over the badge for the funeral and burial ceremonies.

34. Use of Alcohol - Before Duty and on Duty. No employee of the Department shall report for or be on duty while under the influence of an intoxicating liquor or drugs or be unfit for duty because of their use. The odor of alcohol on the breath will be considered presumptive evidence of violation of this subsection. No employee shall drink any intoxicating beverage while on duty.

35. Use of Alcohol - Off Duty - Public Places. No employee of the Department shall become intoxicated in a public place to the extent that it brings discredit or embarrassment to the Department.

36. Sleeping on Duty. An employee shall not sleep while on active duty.

37. Fraternization. An employee shall not fraternize with, engage the services of, accept services from, give or receive favors from any person in the custody of the Department without the express permission of the Chief of Police.

38. Court Attendance and Demeanor.

- A. An employee when subpoenaed into court to testify shall be punctual in attendance. He/she shall be dressed in full uniform or civilian clothes of good taste and business-like appearance.
- B. An employee shall testify in a calm, distinct and audible tone of voice. He/she shall not suppress or overstate the slightest circumstance with a view of favoring or discrediting any person, but shall testify with the strictest accuracy.
- C. No employee shall by his/her actions or demeanor make apparent his/her feelings toward the defendant or witness during the proceedings, within the court-room or within the hearing of the participants.

39. Neighborhood Disputes. An employee shall attempt to avoid becoming involved, either as an Officer or as a participant, in a neighborhood dispute, except in the line of duty.

40. Controversial Opinions. An employee shall not represent the Department in any manner in his/her personal expression of views on any political, religious or controversial subject, unless so directed by the Chief.

41. Hours of Duty. An employee of the Department shall have regular hours assigned to him/her, but when off duty, all commissioned personnel may be subject to call. If needed, an employee may be required to perform extra duty. An employee shall not change the dates or times of his/her assignment duty nor exchange duty with another employee without prior approval of his/her appropriate superior.

42. Physical Fitness. A commissioned employee shall maintain such physical condition to enable him/her to properly perform his/her assigned duties.

43. Cowardice. An Officer shall not display cowardice or fail to support his/her fellow officers in the performance of duty.

44. Range Qualification. A Police Officer shall be required to qualify on the shooting range. A Police Officer who fails to qualify may be subject to extensive training at the range on his/her own time or he/she may be subject to disciplinary action if he/she fails or refuses to train properly.

1.16.120 Advancements, Promotions, Transfers, and reclassifications.

A. Merit System. All advances in rank and/or pay status within the Department shall be made on the basis of merit, with consideration being given all qualified applicants. All promotions within the Department shall be made on the basis of qualification through a competitive selection process.

B. Personnel Policies. All policies pertaining to the compensation, application of salary ranges, overtime pay, holiday pay, annual leave, sick leave, leave of absence, unauthorized absence, anniversary date, new hires, probationary employees, resignations, reinstatement, performance evaluations, disciplinary actions, types of disciplinary actions, demotions, dismissals, suspensions from duty, complaints against employees of the Department, Employee grievances, appeals from personnel actions and all other personnel procedures shall be established by the Chief and set forth in the Manual of the Department. In the absence of a Manual for the Department being adopted by the Chief of Police, the personnel issues identified in this Section shall be governed by the Tribe's Personnel, Policy, and Procedure Manual.

1.16.130. Uniforms and Equipment. Uniformed personnel shall possess at all times, unless otherwise exempted by a general order issued by the Chief, apparel, identification and equipment necessary to perform the duties of an employee of the Department that the employee holds. The Departmental uniforms shall be worn in a military manner. All buttons shall be secured at all times when in public view. Prescribed uniforms shall be maintained at all times in a clean and serviceable condition, ready for immediate use. Officers in charge shall be responsible for ensuring that their subordinates at all times properly wear and maintain their uniforms and equipment. The Chief shall establish policies or promulgate general orders establishing the type, color and appearance of the uniforms, footwear, badges, jackets, shoulder

patches, rank designation, ties, tie bars, name plates, shirts, trousers, handcuffs, flashlights, rain coats, and jump suits to be worn by Department personnel and the type of equipment to be worn and used by Department personnel. Such equipment shall include but not be limited to batons, sidearms, including back-up weapons, shot guns, and ammunition. The procedures established by the Chief shall include but not be limited to fire arm safety standards, and standards for the unholstering, use, discharge, qualifications for use and inspection of weapons.

1.16.140 Vehicular Pursuit Procedures. To provide Police Officers with a uniform pursuit policy so as to ensure compliance with applicable Tribal, State and Federal laws, the safety of innocent persons and to reduce the amount of risk involved to Police Officers the following subsections shall govern vehicle pursuits by Department personnel:

A. Laws Pertaining to Pursuit Policy.

1. Off-Reservation pursuit (crossing the Reservation boundary line) Fresh pursuit includes fresh pursuit as defined by federal, tribal, and state common law, in that order ("Common Law"), and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed.
 - a. In reading the above section, it becomes apparent that Police Officers may only pursue off of the Reservation in felony or suspected felony matters.
 - b. Where it cannot be established that a felony has been committed, or where there is a lack of sound reasonable cause to believe that a felony has been committed, Officers shall cease vehicular pursuits.
2. On Reservation pursuit (within jurisdictional boundaries of the Reservation or tribal trust land), but within the "Fresh pursuit" includes fresh pursuit as defined by Common Law and also the pursuit of a person who has committed a Felony or is reasonably suspected of having committed a Felony in this state, or who has committed, or attempted to commit, any criminal offense in this state in the presence of the arresting officer referred to in criminal offense. It shall also include the pursuit of a person suspected of having committed a supposed felony in this state, though no felony has actually been committed, if there is reasonable ground for so believing.

B. Operational Procedures. The following procedures apply to vehicular pursuits:

1. Pursuits should normally be initiated when, in the Officer's judgment, an individual clearly exhibits the intention of avoiding arrest by using a vehicle to flee.
2. An Officer shall not initiate a pursuit if:

- a. The officer is transporting a prisoner.
 - b. The officer is en route to an emergency call that should take precedence.
3. A pursuit shall be discontinued when there is a clear danger to the public and the continuance of the pursuit would permit the danger to exist, or if there is danger to pursuing Officer(s). The seriousness of the crime, and the length of the pursuit are also factors which must be considered when exercising good sound judgment and common sense or when other law enforcement agencies supersede the pursuit or when instructed to do so by the on duty supervisor.

C. Pursuit Units. Pursuits shall be actively limited to two (2) units unless specifically authorized by the Captain or the Field Supervisor in command of the pursuit. Officers shall never initiate or become involved in a vehicular pursuit while driving their personal vehicles.

D. Responsibility of Officers Initiating a Pursuit. It shall be the responsibility of the Officer initiating a pursuit to immediately notify the Department's Dispatch, if one exists, or if the pursuit is off the Reservation, then the Sheriff's Department Dispatcher of emergency traffic and that a pursuit is underway, giving, if possible all of the following information: The law violation or the reason for the pursuit; the description of vehicle being pursued, the number of occupants, and the name of the occupants, if known.

E. Responsibility of Field Supervisor. The Field Supervisor should, with reasonable caution, attempt to remain with or near the pursuit. His/her purpose shall be to anticipate traffic problems; alert area units to necessary action, request additional assistance as needed, and order unnecessary units to drop out of the pursuit. In the event that the Field Supervisor is unable to respond to the pursuit, he/she should assign an Officer to assume responsibility for control of the pursuit activities. This assigned Officer would then possess the authority and responsibility during the duration of the pursuit. The Field Supervisor shall request the County Sheriff's Dispatchers to notify adjacent jurisdictions should the pursuit be traveling in their direction. In the event of injury (civilian, suspect or officer) it shall be the responsibility of the Field Supervisor to immediately notify the Chief providing him/her with as many details as possible.

F. Conclusion. Vehicular pursuits are not favorable under any circumstances. The success, failure, and danger involved in a pursuit is directly dependent upon the Self-Discipline and Sound Professional Judgment of all involved.

1.16.150 Felony and High Risk Vehicle Stops Procedure. Every traffic stop made by a Police Officer carries with it the possibility of developing into a more than normal friendly issuing of an enforcement document or verbal warning. Many officers have been killed or injured while making what appeared to them at the onset to be a "normal routine traffic detention". Certain techniques have been developed to assist the officer in placing himself/herself in the best possible position for response and protection in situations of surprise attack. These techniques are contained in this section. Unfortunately, there have been officers killed and injured on situations where the officer did have some reason to be highly suspicious at the time of stopping the violator. His/her suspicions were aroused either as a result of a prior radio broadcast, an area briefing item, or perhaps as a result of his/her observations of unusual

behavior during the pull-over. These enforcement stops, classified as "high risk" and "felony", require special techniques to minimize the possibility of an attack on the Officer(s). The Chief of Police shall establish regulations and general orders governing the procedures and basic principles that an Officer must follow in handling "high risk" and "felony" stops which will give him/her the best possible advantage and protection: however, it must be recognized that subjects, situations, and conditions are so varied that a degree of flexibility is necessary in applying these principles and procedures. The Officer's safety is of primary concern in handling a high risk or felony situation.

3.08.160 Handcuffing Procedures. All Suspect(s) will be Searched and Handcuffed behind their backs before placing them in any Department vehicle. Suspects and Victims will not be handcuffed together nor placed in the patrol vehicle together. An Officer's weapon will be holstered prior to handcuffing a suspect. The Chief of Police shall establish specific procedures or general orders for the use of handcuffs by Officers.

Section 3. Severability. In the event that any section or provision of this Ordinance is held or determined to be invalid by any court of competent jurisdiction, it is the intent of the Business Council that the remaining sections or provisions of this Ordinance, and any amendments of this Ordinance shall continue in full force and effect.

Section 4. Amendments. This Ordinance may be amended at any time by the Business Council, when such amendment is necessary to promote the general health, safety, and welfare of the Tribe or its members.

Section 5. Repeal of Prior Ordinances. All prior Ordinances previously enacted by the Business Council, which are inconsistent with the provisions of this Ordinance are hereby repealed. If the provisions of this Ordinance conflict with the provisions of any other Ordinance, the provisions of this Ordinance shall control.

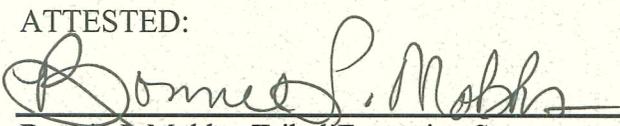
Section 6. Effective Date. This Ordinance shall take effect immediately after its adoption by the Business Council.

CERTIFICATION

The foregoing Ordinance was adopted at a regular meeting of the Blue Lake Business Council, with a quorum present, held on July 18, 2011, by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0


Claudia Brundin, Chairperson

ATTESTED:

Bonnie L Mobbs, Tribal Executive Secretary