

Chapter 2. Police and Law Enforcement

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Sec. 201. Superintendent to command Reservation police.

The Superintendent of the Fort Peck Agency shall be the commander of the Reservation police.

Sec. 202. Duties of commander of Reservation police.

The commander shall be responsible for the general efficiency and conduct of the Reservation police. He/she or his/her duly qualified representative shall keep informed as to the efficiency of the police officers in the discharge of their duties, inspect the force at regular times, inform the police officers of their duties, and account for the equipment issued in connection with their official duties. The commander shall detail such Reservation police officers as may be necessary to carry out the orders of the Fort Peck Tribal Court or Court of Appeals and to preserve order in the Courts. The commander shall investigate all reports and charges of misconduct on the part of Reservation police officers and shall exercise

such proper disciplinary measures as may be consistent with existing regulations.

Sec. 203. Police commissioners.

The commander of Reservation police, with the approval of the Commissioner of Indian Affairs, may designate a police commissioner. Wherever any special federal officer is regularly employed on the Reservation, he/she shall be police commissioner. The police commissioner shall enforce all orders of the Fort Peck Tribal Court and Court of Appeals. The police commissioner shall be responsible to the commander for the conduct and efficiency of the Reservation police under his/her direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall promptly report all violations of law or regulation and any misconduct of any member of the Reservation police to the commander.

Sec. 204. Police training.

The commander shall conduct or maintain, as circumstances require, classes for the instruction of the Reservation police in the proper enforcement of their duties. Such classes shall familiarize the police officers with

- (1) The manner of making searches and arrests;
- (2) The proper and humane handling of prisoners;
- (3) The keeping of records of offenses and police activities;
- (4) The court's orders and legal forms and the duties of the police in relation thereto; and
- (5) Any other subjects of importance for efficient police duty. Particular instruction shall be given to the methods of preventing crime and of securing cooperation with Indian and non-Indian communities in establishing better social relations.

Sec. 205. Appointment and qualifications of Reservation police.

(a) When appointment of Reservation police is subject to control by the Tribes, the Executive Board, with the approval of the Assistant Secretary for Indian Affairs, may appoint Indians as Reservation police;

(b) To be eligible for appointment, an Indian shall possess qualifications as follows:

(1) Be of sound physical condition and sufficient size and strength to perform the duties required of a police officer;

(2) Be of courage, self-reliance, intelligence and high sense of loyalty and duty;

(3) Never have been convicted of a felony for which he/she has not received a pardon, nor have been convicted of any misdemeanor for a period of one (1) year prior to appointment;

(4) Have a high school degree or its equivalent;

(5) Be at least eighteen (18) years of age;

(6) If the appointment is to be a permanent appointment, have attended and satisfactorily completed the course of study at a duly accredited police academy.

(c) All Reservation police officers shall retire at the age seventy (70).

Sec. 206. Duties of Reservation police.

The duties of a Reservation police officer shall be as follows:

(a) To obey promptly all orders of the police commissioner or the Fort Peck Tribal Court or Court of Appeals when assigned to that duty;

(b) To lend assistance to other officers;

(c) To report and investigate all violations of any laws or regulation coming to his/her notice or reported for attention;

(d) To arrest all persons observed violating the laws or committing the offenses enumerated in Title 7 (Criminal Offenses) of this Code;

(e) To inform himself/herself as to the laws, regulations and offenses applicable to the Reservation and as to the laws of arrest, including Chapter 2 of Title 6 (Criminal Procedure);

(f) To prevent violations of the law and the committing of offenses enumerated in Title 7 (Criminal Offenses) of this Code;

(g) To report to his/her superior officers all accidents, births, deaths, and events or impending events of importance;

(h) To abstain from the use of intoxicants and narcotics while on duty and to refrain from engaging in any act which would reflect discredit upon the police force;

(i) To refrain from the use of profane, insolent or vulgar language while on duty;

(j) To use only necessary force in making an arrest, search, or seizure;

(k) To keep all equipment furnished by the United States and the Tribes in reasonable repair and order;

(l) To report the loss of any and all property issued by the United States or the Tribes to the appropriate officials;

(m) To arrest non-Indians on the Reservation for violations of state or local law pursuant to any state or local law or agreement authorizing Indian police to make such arrests. Any person arrested under this subsection shall be promptly delivered to state or local authorities in accordance with the law or agreement authorizing the arrest;

(n) To arrest Indians or non-Indians for violations of federal law on the Reservation. Any person arrested under this subsection shall be promptly delivered to appropriate federal authorities. No police officer shall be assigned or detailed for duty as janitor or chauffeur or for any duty not connected with the administration of law and order.

Sec. 207. Procedures for discipline and dismissal.

(a) Whenever a charge or complaint is brought against any employee of the Reservation police force, the commander of Reservation police in his/her discretion may place the employee on administrative leave and suspend the employee from all duties, or may assign the employee to administrative duties. Any suspension under this section shall be without pay.

(b) At the time action under subsection (a) is taken, the employee shall be informed of the reason for the action and promptly after the action is taken the commander shall:

(1) Serve the employee with a written statement of the charges or complaints and the names of all persons on whose information the charges or complaints are based. Service shall be in person, or by leaving the written statement at the last known place of residence of the employee with some person of suitable age and discretion then living in the residence.

(2) Set a hearing date not less than five (5) days, or more than ten (10) days, after the employee has been served with the written statement of charges.

(c) The hearing shall be before a panel of three (3) persons, selected by the Executive Board. None of the persons selected shall be employees

of the Reservation police force or members of the Executive Board.

(d) The parties shall be entitled to counsel and an opportunity to confront and examine witnesses.

(e) The hearing panel shall render a decision promptly and issue a final order in writing that shall be binding on the parties. If the decision is adverse to the employee, the order shall specify the penalty, which may include termination of employment, suspension from duty without pay for a specified period, not to exceed two (2) weeks, or a monetary penalty. If a monetary penalty is imposed, the employee, at his/her option, may resign rather than pay the penalty.

(f) The procedures set forth in this Section shall be in lieu of those set forth in 25 C.F.R. 11.304(k). The procedures set forth in this Section shall be included in any contract or grant under 25 C.F.R. Part 271 or Part 272 for the administration of the Reservation police force.

Sec. 208. State and local law enforcement officials authorized to make arrests.

(a) All law enforcement officials vested with general law enforcement authority by the State of Montana, or by any County or City within the boundaries of the Fort Peck Reservation and approved by Executive Board on recommendation of the safety committee, are hereby authorized to arrest Indians on any highway on the Reservation or within the boundaries of the cities of the Reservation for violations of the Tribal Code of Justice. Each jurisdiction shall from time to time submit the names of new law enforcement officials to the safety committee for approval.

(b) Upon arresting any Indian as authorized by this Section, such law enforcement officials shall promptly deliver the individual to the Tribal Court or to the appropriate tribal law enforcement officers for action under tribal laws.