

TITLE 9
LUMMI NATION CODE OF LAWS
LAW ENFORCEMENT OFFICERS CODE

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Chapter 9.01 Tribal Police

9.01.010 Tribal Police – Generally

Tribal police shall be appointed by the Lummi Business Council to enforce this Law and Order Code and all other ordinances and resolutions of the Business Council.

[Editor’s Note: Chief of Police authorized to supervise Natural Resources Enforcement Officers. Resolution 96-60 (3/26/96)]

9.01.020 Supervision

Tribal police will act under the direction of the Chief of Police who shall be subject to the general direction of the Lummi Business Council. The Chief of Police shall conduct an investigation on all reports and charges of misconduct on the part of the Tribal Police and shall exercise such proper disciplinary measures as may be consistent with existing tribal regulations.

9.01.030 Restrictions

Members of the Tribal Police force shall not be assigned or detailed for duty as janitors or chauffeurs or for any duty not connected with the administration of law and order if such detail interferes in any way with the law and order program.

Chapter 9.02 Law and Order Committee

9.02.010 Function - Generally

The Law and Order Committee appointed by the Council shall coordinate the law and order program on the reservation under the direction of the Council. They shall meet with the Chief of Police to discuss the law and order program and make recommendations for improving the efficiency of the program.

9.02.020 Review Function

The Law and Order Committee shall review personnel action proposed by the Chief of Police and shall within five (5) days from receipt of a written report of the proposed action concur or object to such action, subject to existing tribal regulations and final disposition is subject to approval by the

Council.

Chapter 9.03 Chief of Police

9.03.010 Appointment

The Chief of Police shall be appointed by the Council to a term of one year, and may be reappointed after a full review of his performance, which review shall be had at least thirty (30) days prior to the end of the term at which the Chief shall be present.

9.03.020 Duties

(a) The Chief of police shall be responsible to the Council for the proper and efficient enforcement of all law for which he has been given the authority and for the efficient service and discipline of the Tribal Police officers and other persons under his supervision.

(b) The Chief of Police may be deemed guilty of negligence and inefficiency in handling of personnel under his supervision if they are habitually lax and indifferent in performance of their duties.

(c) The Chief of Police shall thoroughly investigate all complaints filed by any citizen against any personnel under his supervision. A written report of such complaint and the investigative report in writing of his findings shall be made to the Council.

(d) The Chief of Police shall notify the Council in writing of any case of misconduct or neglect of duty on the part of subordinates, and recommend the personnel action to be taken.

(e) The Chief of Police shall coordinate investigative functions with special officers and other Federal officials whenever appropriate in promoting law enforcement on the reservation.

9.03.030 Dismissal

The Chief of Police shall be subject to removal by the Council for failure to carry out

any of the duties enumerated in section 9.03.020 or for any other just cause shown. The Council shall serve the Chief of Police with a notice, including the reasons for his dismissal, and he shall be entitled to a hearing at which time he may produce witnesses and present evidence to refute the charges. The decision of the Council shall be final.

9.03.040 Bonding

The Chief of Police shall be responsible for arranging with the proper tribal official for the bonding of all Tribal Police, including himself, and for coverage for all Tribal Police and equipment under the Tribe's liability insurance.

Chapter 9.04 Appointment and Training of Tribal Police

9.04.010 Appointment

Tribal Police shall be appointed by the Lummi Business Council upon the recommendation of the Chief of Police and the Law and Order Committee.

9.04.020 Qualifications

The qualifications of Tribal Police shall be as follows:

- (a) A candidate must be twenty one (21) years of age or older, in sound physical condition and of sufficient size and strength to perform the duties required.
- (b) He must be possessed of courage, self-reliance, intelligence, and high sense of loyalty and duty.
- (c) He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

9.04.030 Training

It shall be the duty of the Chief of Police to cooperate with the Council to maintain, from time to time as circumstances require and permit, classes of instruction for the Tribal Police. Such classes shall familiarize the policemen with the manner of making searches and arrest, the proper and humane handling of prisoners, the keeping of records

of offenses and police activities, the making of reports, 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 community in establishing better social relations.

9.04.040 Duties

Duties of the Tribal Police shall be as follows:

- (a) To obey promptly all orders of the Chief of Police or the Tribal Court when assigned to that duty.
- (b) To lend assistance to fellow officers.
- (c) To report and investigate all violations of any law or regulations coming to his notice or reported for attention.
- (d) To arrest all persons observed violating the laws and regulations for which he is responsible.
- (e) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest.
- (f) To prevent violations of the laws and regulations.
- (g) To report to his superior officers all accidents, births, deaths, or other events or impending events of importance.
- (h) To abstain from the use of narcotics and from excessive use of intoxicants and to refrain from engaging in any act which would reflect discredit upon the police department.
- (i) To refrain from the use of profane, insolent or vulgar language.
- (j) To use no unnecessary force or violence in making an arrest, search or seizure.
- (k) To keep all equipment furnished by the Government and the Tribal Council in responsible repair and order.

(l) To report the loss of any and all property issued by the Government or the Tribal Council in connection with official duties.

(m) To use firearms only when necessary in arresting or overtaking a person who has committed a felony or in preventing the commission of a felony against a person or property.

(n) To serve as a Deputy Special Officer if appointed and to coordinate his functions as Tribal Police Officers with his functions as a Federal Officer.

9.04.050 Supervision and Conduct

The Tribal Police officer is responsible to the Chief of Police and must willingly and faithfully perform any and all duties the Chief of Police may order him to perform. He shall administer his duties in the manner required by his supervisor and all official communications coming to the attention of or initialed by the police officer should be routed through the Chief of Police. Officers shall obey all laws, rules, and regulations, and shall be held strictly accountable for any act or commission prejudicial to good order and discipline. Officers will cooperate with outside government agencies when such cooperation is consistent with the Tribal Code, but shall ever bear in mind that their primary responsibility is to the Lummi Nation of the Lummi Indian Reservation, Washington. Officers shall be fair and impartial in all their dealings with the public. Tact and patience shall be used in all official contacts, but officers shall employ enough firmness to ensure obedience to the law.

9.04.060 Conflict of Interest

No officer or employee of the Tribal Police force shall permit any member of his immediate family to interfere in any way with the performance of official duties, nor shall the officer discuss or make available to his family or any other person any information that he has obtained by his official position that is not otherwise public record. This section is in no way meant to prevent the officers or employees from release of such information to other law enforcement officers, courts or other authorized persons. Failure to

comply with this section shall be grounds for dismissal under paragraph 9.04.070 of this chapter.

9.04.070 Dismissal

Tribal Police shall be subject to dismissal for cause by the Chief of Police subject to the provisions of this Chapter. Upon the resignation, death or discharge of any member of the Tribal Police, all articles or property issued to him in connection with his official duties must be returned to the Chief of Police.

Chapter 9.05 Restrictions Upon Outside Law Enforcement Officers

9.05.010 Entering Lummi Tribal Center Complex and Requirement to Report

Any law enforcement officer whether tribal, state, federal, or other entering the Lummi Tribal Center Complex located at 2616 Kwina Road, Bellingham, Washington, shall first check in with the Law Enforcement Administrator or Captain of Police in the Lummi Law and Order Building located within the tribal complex and state the nature and extent of his business within the complex and on the reservation.

9.05.020 Officers Action in Concert with Washington State Liquor Control Board

All officers, agents and persons acting in concert or collusion with the Washington State Liquor Control Board and its officers and agents are hereby banned from the Lummi Tribal Center Complex located at 2616 Kwina Road, Bellingham, Washington and are declared to be trespassers if they enter upon the Tribal Center Complex for any purpose including purposes connected with the gathering of evidence or information for the enforcement either on or off the Lummi Indian Reservation of the liquor laws of the State of Washington.

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