

TABLED



Cherokee Council House
Cherokee, North Carolina

JUL 09 2020

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ORDINANCE NO. 208 (2020)

WHEREAS, the Cherokee Police Commission (Police Commission) is established within the Cherokee Code to oversee Tribal Law enforcement programs; and

WHEREAS, there is currently a national focus on police reform, accountability and transparency that respect the dignity of all people; and

WHEREAS, the Police Commission is tasked with focus on these issues and how they are addressed and applied within the jurisdiction of the Eastern Band of Cherokee Indians; and

WHEREAS, the Police Commission must be able to promote accountability and build community trust, but must have clear authority to do so; and

WHEREAS, the Police Commission must also work towards more social policy approaches in collaboration with other tribal programs and entities to better address areas, such as economics, education, and healthcare.

NOW, THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present that the Eastern Band of Cherokee Indians does hereby amend the Cherokee Code as follows:

Chapter 120 - CHEROKEE POLICE COMMISSION

Sec. 120-1. - Establishment.

~~This chapter shall incorporate a body to be known as the Cherokee Police Commission (CPC) is hereby established as an independent law enforcement oversight arm of the Tribe. into the Cherokee Code, of which its initial membership was approved per Resolution No. 1012 (2009) and subsequently amended by Resolution No. 29 (2009).~~

Sec. 120-2. - Purpose.

1 The purpose of ~~the Commission~~this chapter is to ~~create an independent commission whose~~
2 ~~mission is to~~ provide performance and regulatory oversight ~~to all of~~ Tribal law enforcement
3 agencies and to act as the liaison between the community, law enforcement, and the Executive
4 and Legislative branches of Tribal Government providing transparency and advocacy to issues
5 influencing crime and justice on Tribal trust lands.

6 **Sec. 120-3. - Definitions.**

7 The following words, terms and phrases as used in this chapter, shall be defined as follows:

- 8 (a) *Commission* shall mean the Cherokee Police Commission (CPC).
9 (b) *Commissioner and/or member* shall mean an authorized member of the Cherokee
10 Police Commission.
11 (c) *Chairman* shall mean the Chairperson of the Cherokee Police Commission.
12 (d) *Vice Chairman* shall mean the Vice-Chairperson of the Cherokee Police Commission.
13 (e) *Law Enforcement* shall mean an agency responsible for enforcing the laws of the
14 Eastern Band of Cherokee Indians, including but not limited to: the Cherokee Police
15 Department (CPD), the Alcohol Law Enforcement (ALE), the Natural Resources
16 Enforcement Office (NREO) ~~and~~ Cherokee Animal Control (CAC), Marshal
17 Service/Probation, and Detention Center.
18 (f) *Law Enforcement Officer or Law Enforcement Official* shall mean any authorized
19 personnel delegated authority to enforce the laws of the Eastern Band of Cherokee
20 Indians.

21 **Sec. 120-4. - Commission membership.**

22 Nominations to serve on the Cherokee Police Commission are made by the Principal Chief.
23 Tribal Council approves membership appointments and the Commission's annual work plan.
24 The Commission shall consist of eight members, six of whom shall be members representing
25 the six Tribal townships of the Eastern Band of Cherokee Indians, the other two representing
26 one "at large" male and one "at large" female. ~~Commissioners may be removed from office by~~
27 ~~the nominating authority for just cause, as recommended by a majority vote of the Police~~
28 ~~Commissioners.~~ The Cherokee Police Commission may recommend to Tribal Council that a
29 member of the Commission be removed therefrom if a majority of the members of the
30 Commission agree. Commissioners shall be removed from office by the nominating authority.

31 **Sec. 120-5. - Authority.**

32 The Cherokee Police Commission is hereby vested with the following authority:

- 33 (a) Oversight of all Tribal Law Enforcement programs. The Chief of Police and other Tribal
34 Law Enforcement Managers shall manage the daily operations of their respective
35 program and shall implement the Commission's policies and goals; the Chief of Police
36 and other Tribal Law Enforcement Managers shall report to the Commission.

- 1 (b) Review, amend and approve as needed~~Enact~~ the overall agency policy and procedure
2 manuals, handbooks, ~~or~~ guidelines or memorandums of understanding ~~policy, rules~~
3 and regulations for the governance of Tribal Law Enforcement and ~~used by each~~
4 agency's ~~its~~ personnel;
- 5 (c) Prescribe penalties for violations of its rules and regulations;
- 6 (d) Formation of a system to receive, review and monitor public complaints and concerns
7 an Internal Review Board to conduct investigations and hearings on allegations of
8 regarding law enforcement to ensure law enforcement is meeting the needs of the
9 community ~~misconduct~~;
- 10 (e) Hear final appeals from Law Enforcement Officers for discipline imposed by their
11 respective Law Enforcement Program Manager, Chief of Police or the Internal Review
12 Board;
- 13 (f) Review and make recommendations for the annual budgets prepared by Law
14 Enforcement Program Managers and the Chief of Police providing advocacy and
15 support for budgets and ~~make recommendations~~ to the Principal Chief and Tribal
16 Council;
- 17 (g) Review and make recommendations for the qualifications for each rank and grade in
18 the law enforcement field and make recommendations as necessary to ensure
19 consistency within tribal agencies;
- 20 (h) Review and make recommendations for the purchase and use of effective and ~~use of~~
21 necessary ~~all property and~~ equipment used by or in connection with the operation of
22 law enforcement departments/programs;
- 23 (i) Monitor complaints made to all law enforcement agencies for officer misconduct to
24 ensure ~~Advise~~ the Chief of Police and other Tribal Law Enforcement Managers ~~have~~
25 responded to and taken appropriate action consistent with policy on law enforcement
26 ethics and misconduct. ~~law enforcement~~ And, ~~provide~~ providing an annual report to
27 the Chief and Tribal Council on this. ~~on the number and nature of complaints and~~
28 responses ~~community relations~~;
- 29 (j) Submit an annual report to the Principal Chief and Tribal Council containing
30 quantitative and qualitative (performance) measures that illustrate how much and
31 what type of crimes are being reported, investigated, and charged in tribal, federal,
32 and state courts and how efficiently law enforcement is contributing to the justice
33 system ;
- 34 (k) All Commissioners shall have the authority to vote on issues coming before the
35 Commission;
- 36 (l) To draft, ~~and approve and implement~~ protocols for the administration of duties placed
37 upon ~~administer by laws of~~ the Cherokee Police Commission;
- 38 (m) To share relevant information/perspectives from other community groups,
39 organizations and/or constituencies with the Commission;

- 1 (n) To represent the Commission at public events and other organizational meetings;
- 2 (o) Serve on temporary committees or task groups that address specific work plan items;
- 3 (p) Investigative subpoena power;
- 4 (q) Authority to review all personnel actions taken by each law enforcement agency in the
- 5 course of its daily operations to ensure proper management and development of law
- 6 enforcement officers and staff and to address concerns of law enforcement
- 7 management in official reports to the Principal Chief and Executive Committee, Tribal
- 8 Alcohol Beverage Control Commission, or other governing authority with direct
- 9 responsibility for the agent; and
- 10 (qr) Serve as an outreach entity for citizens to submit law enforcement recommendations,
- 11 complaints and/or commendations.

12 ~~Sec. 120-6. Effective date.~~

13 ~~This chapter shall become effective upon ratification by the Principal Chief.~~

14 Sec. 120-6. Recommendations of the Commission.

15 The Commission shall consult with all tribal law enforcement agencies and their leadership

16 prior to implementing new policy, however the decision of the Commission on law enforcement

17 policy and the implementation of Commission goals shall be final and administrative leadership

18 shall cooperate with Commission policy initiatives shall be fulfilled.

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20 BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal

21 Chief and any prior or part thereof that conflicts with this ordinance is rescinded.

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24 *Submitted by: Cherokee Police Commission*

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