

FOND DU LAC ORDINANCE #02/01, AMENDED

**ESTABLISHING THE FOND DU LAC
LAW ENFORCEMENT REVIEW COMMITTEE**

Adopted by the Fond du Lac Reservation Business Committee by
Resolution #1354/01 on October 30, 2001.

Amended by the Fond du Lac Reservation Business Committee by
Resolution #1307/08 on October 7, 2008.

FOND DU LAC ORDINANCE #02/01, AMENDED

ESTABLISHING THE FOND DU LAC LAW ENFORCEMENT REVIEW COMMITTEE

The Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band of Lake Superior Chippewa, hereby establishes the Fond du Lac Law Enforcement Review Committee pursuant to the authority reserved to the Fond du Lac Band and its duly constituted government under the Treaty of LaPointe, 10 Stat. 1109, Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, Article VI of the Constitution of the Minnesota Chippewa Tribe, and the law of the United States of America.

101. **Purposes.** The purposes of the Law Enforcement Review Committee shall be to monitor and advise the Reservation Business Committee on the law enforcement operations of the Fond du Lac Police Department and the Fond du Lac Conservation Department, and to exercise such advisory, review and decisional authority as is specifically delegated under the provisions of this Ordinance.

102. **Structure of the Fond du Lac Police and Conservation Departments.** The Fond du Lac Police and Conservation Departments are organized and operated in the following manner:
 - a. **Government-to-Government Matters.** The Reservation Business Committee is responsible for all government-to-government matters relating to the operation of the Fond du Lac Police and Conservation Departments, and their relationships with the United States and any state or local governmental agency, and has exclusive responsibility and control over all finances of the Departments.

 - b. **General Administration.** The administration of the Fond du Lac Police and Conservation Departments are exclusively in accordance with the policies, procedures, and chain-of-command established by the Reservation Business Committee. The day-to-day operations of the Departments are under the supervision of the Chief Law Enforcement Officer (Police Department) and Chief Conservation Officer (Conservation Department) of the Fond du Lac Band.

 - c. **Law Enforcement Review Committee.** The Law Enforcement Review Committee is responsible for the performance of such advisory, review and decisional functions as are specifically delegated by the Reservation Business

Committee pursuant to Section 107 of this Ordinance. The Chief Law Enforcement Officer, Chief Conservation Officer and other relevant staff of the Police and Conservation Departments shall cooperate with the Committee towards the achievement of the purposes set forth in this Ordinance.

103. **Attributes.** The Fond du Lac Police Department, Conservation Department and the Law Enforcement Review Committee are subdivisions of the Fond du Lac Band of Lake Superior Chippewa, and the actions taken by the Departments or the Committee in accordance with their duly delegated authority shall be imbued with those privileges and immunities inherent to the Fond du Lac Band. Nothing in this Ordinance shall be deemed or construed as a waiver of the sovereign immunity of the Fond du Lac Band, or to constitute consent by the Fond du Lac Reservation Business Committee or the Police or Conservation Departments to suit.
104. **Law Enforcement Review Committee Membership.** The Law Enforcement Review Committee shall consist of five (5) members, who shall be appointed by the Reservation Business Committee to terms of four (4) years. The Brookston, Cloquet and Sawyer districts of the Reservation shall each be represented by at least one (1) member on the Law Enforcement Review Committee. The terms of members shall be staggered so as to preserve continuity of operation and purpose. All members of the Law Enforcement Review Committee must be enrolled members of the Fond du Lac Band.
105. **Resignation, Removal or Suspension of Law Enforcement Review Committee Members.** A member of the Law Enforcement Review Committee may resign from the Committee by providing written notice of resignation to the Committee Chairperson. A member with three (3) consecutive unexcused absences shall be presumed to have resigned from the Law Enforcement Review Committee. A member of the Law Enforcement Review Committee may be removed by the Reservation Business Committee for misconduct or malfeasance. Where a member of the Law Enforcement Review Committee has been charged with misconduct or malfeasance, or where the Reservation Business Committee has considered reliable allegations of such conduct, the Reservation Business Committee may suspend that member until such time as that member has been exonerated of those charges or allegations. The Law Enforcement Review Committee may recommend removal or suspension of a Committee member to the Reservation Business Committee for any of the above-stated reasons, provided that the conduct at issue is reasonably substantiated.

106. **Officers.** The Law Enforcement Review Committee shall elect from among its members a Chairperson, a Vice-Chairperson, and Secretary, subject to the approval of the Reservation Business Committee. The Chairperson shall preside at all meetings of the Committee or, in the absence of the Chairperson, the Vice-Chairperson shall preside. The Chairperson shall have the responsibility to see that all the functions of the Law Enforcement Review Committee are satisfactorily conducted and shall perform all general responsibilities which are inherent to that office. The Secretary shall prepare and maintain the minutes of the Law Enforcement Review Committee and shall provide copies of Committee minutes to the Reservation Business Committee within ten (10) days of approval. An officer may be removed from that office by majority vote of a quorum of the Law Enforcement Review Committee.

107. **Functions and Authority of the Law Enforcement Review Committee.** The Law Enforcement Review Committee shall have the following responsibilities and authority:

- a. **Review of Policies and Procedural Compliance.** The Law Enforcement Review Committee shall have the authority to review and advise the Reservation Business Committee on the content and administration of all policies and procedures of the Police and Conservation Departments. In the event that the Committee in duly-convened session determines that there has been a violation of established procedure within either Department, the Committee shall notify the Chief Law Enforcement Officer or Chief Conservation Officer and the Reservation Business Committee in writing of such violation and of the Committee's recommendation for corrective action.
- b. **Review of Judicial Needs of the Band.** The Law Enforcement Review Committee may assess the judicial needs of the Fond du Lac Band and advise the Reservation Business Committee on matters relating to the future development of the Fond du Lac Tribal Court. This review authority does not extend to substantive review of individual cases which are currently pending before the Tribal Court.
- c. **Review of the Law Enforcement Budget.** The Chief Law Enforcement Officer and Chief Conservation Officer shall make all proposed budgets for their Departments available to the Law Enforcement Review Committee at least 30 days prior to presentation to the Reservation Business Committee in order to enable the Committee to review and comment on the proposed budgets.

d. Review of Complaints. The Law Enforcement Review Committee shall review all complaints filed against enforcement officers of the Police or Conservation Departments pertaining to the conduct of officers or the administration of the Departments, and shall have the opportunity to advise the Chief Law Enforcement Officer or Chief Conservation Officer of it's the Committee's opinions regarding the merits and resolution of such complaints. In the event that the Chief Law Enforcement Officer or Chief Conservation Officer does not resolve a complaint in accordance with the Committee's advice, the Committee may by motion of a duly-constituted quorum object in writing to the Reservation Business Committee.

e. Community Relations. The Law Enforcement Review Committee may speak to the Fond du Lac community on any matter relating to the law enforcement activities of the Police or Conservation Departments which are of concern to the community.

108. Meetings. All meetings of the Law Enforcement Review Committee shall be conducted in accordance with the following procedures and the limitations set forth under Section 110 of this Ordinance.

a. Regular Meetings. Regular Meetings of the Law Enforcement Review Committee shall be held monthly, and shall be open to the public. A written notice of a Regular Meeting must be sent to each member of the Committee by the Secretary at least five (5) calendar days prior to the meeting specifying the agenda, place, date and time of the meeting.

b. Special Meetings. Special Meetings of the Law Enforcement Review Committee may be called by the Chairperson or by any three (3) members of the Committee. A written notice must be sent to each member by the Secretary at least three (3) calendar days prior to the meeting specifying the purpose, place, date and time of the meeting and shall include the names of those members responsible for calling the meeting. No business shall be conducted at the Special Meeting except as specified in the written notice.

c. Executive Sessions. The Chairperson or a majority of the Law Enforcement Review Committee may call an executive session after a legally-convened meeting of the Committee, having established a quorum and by a majority vote of members present, for the consideration of matters of a highly sensitive or confidential nature, or for

consultation with the tribal attorney relating to matters of a legal nature. Matters discussed and/or resolved in Executive Session are to be treated with the utmost confidentiality, and Committee members shall not disclose the details of Executive Sessions to unauthorized persons.

- d. **Agenda.** The Chairperson of the Law Enforcement Review Committee, Chief Law Enforcement Officer and Chief Conservation Officer shall develop a meeting agenda based upon the regular business of the Committee and issues raised by community members, staff, or other interested parties.
 - e. **Quorum.** A quorum of three (3) members, at least one of whom shall be the Chairperson or the Vice-Chairperson, shall be necessary to conduct the business of the Law Enforcement Review Committee.
 - f. **Voting Procedures.** All votes taken by the Law Enforcement Review Committee shall be based upon a motion duly made and seconded. No vote shall be valid unless made during a duly-convened meeting with a quorum present. A majority of voting members present and voting shall be necessary to pass or defeat a motion. Officers of the Committee, except for the presiding officer, are expected to vote on all motions. In the event of a tie vote, the presiding officer shall cast the deciding vote.
109. **Subcommittees.** The Law Enforcement Review Committee may establish standing or ad hoc subcommittees from its membership to address specific issues or projects.
110. **Limitations.** The following limitations shall apply to members of the Law Enforcement Review Committee in carrying out Committee functions:
- a. **Political Activity.** No member of the Law Enforcement Review Committee shall use Committee membership to advance personal positions which are not directly related to the Committee's purposes, to promote propaganda or to otherwise attempt to influence the outcome of legislative or political processes.
 - b. **Representation.** No member of the Law Enforcement Review Committee shall represent that he or she individually speaks or acts for the Law Enforcement Review Committee, Reservation Business Committee, or the Fond du Lac Police or Conservation Departments outside of official meetings unless and to the extent that such

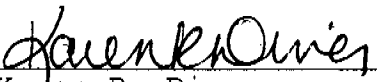
representation is designated in advance by vote of the Law Enforcement Review Committee.

- c. **Personal Compensation.** Each member of the Law Enforcement Review Committee shall receive \$50.00 compensation for each meeting that the member attends, not to exceed a total of \$100.00 compensation in any calendar month.
- d. **Operational Limitations.** The Law Enforcement Review Committee shall not engage in any activity which is not permitted by (1) a corporation which is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or (2) a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954.
- e. **Conflicts of Interest.** No member of the Law Enforcement Review Committee shall use his or her membership on the Committee for personal gain or to benefit members of his or her immediate family. Use of one's membership on the Committee in such a manner shall constitute misconduct, and shall be sufficient grounds for removal as provided under Section 105 of this Ordinance.

111. **Amendments.** This Ordinance may be amended by Resolution of the Reservation Business Committee.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #02/01 was duly adopted by Resolution #1354/01 by a vote of 4 for, 0 against, 0 silent, with a quorum of 5 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on October 30, 2001, on the Fond du Lac Reservation; and subsequently amended by Resolution #1307/08 on October 7, 2008.



Karen R. Diver,
Chairwoman



Ferdinand Martineau, Jr.,
Secretary-Treasurer