

UNITED KEETOOWAH BAND OF  
CHEROKEE INDIANS  
IN OKLAHOMA  
TRIBAL POLICE DEPARTMENT  
CODE of 2022

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## CHAPTER 1

### GENERAL PROVISIONS

#### Section 101. Establishment of the Tribal Police Department

There is hereby established a Tribal Law Enforcement Department within the United Keetoowah Band of Cherokee Indians in Oklahoma (“UKB”) Tribal Administration to be known as the Keetoowah Tribal Police, otherwise known as “Lighthorse.” Lighthorse serves the Tribe, its properties, and its communities across the 14 counties in the Cherokee Reservation. It shall be the duty of all employees assigned to Lighthorse to serve the public by enforcement of the tribal laws and rendering such assistance relative to other authorized law enforcement as may be necessary, and to protect all persons and property within the tribal jurisdiction from criminal activities.

#### Section 102. Definitions

(a) “Cherokee Reservation” shall mean all land within the exterior boundaries of an area that was set aside by treaties with the federal government for the Cherokee people, including the predecessors of those Cherokees who Congress would later recognize as a separate tribe called the “Keetoowah Indians of the Cherokee Nation of Oklahoma,” and which would organize as the United Keetoowah Band of Cherokee Indians in Oklahoma, which includes all, or a portion, of fourteen counties in today’s eastern Oklahoma.

(b) “Council” and its derivatives shall mean The United Keetoowah Band of Cherokee Indians Tribal Council.

(c) “Department” and its derivatives shall mean the Keetoowah Tribal Police, also known as Lighthorse.

(d) “Lighthorse” and its derivatives shall mean the United Keetoowah Band Tribal Police Department.

(e) “Tribe” and its derivatives shall mean the United Keetoowah Band of Cherokee Indians in Oklahoma unless a contrary meaning is clearly required by the context.

(f) “Tribal Courts” and its derivatives shall mean the United Keetoowah Band of Cherokee Indians Tribal District Court(s) and any United Keetoowah Band of Cherokee Indians Appellate Courts

(g) “Tribal Jurisdiction” means all Indian Country as defined in 18 U.S.C. § 1151, whether within or outside of the Reservation, which is subject to the jurisdiction of the Tribe, but excluding all lands held by the United States in trust for the Cherokee Nation of Oklahoma, or owned in fee by the Cherokee Nation of Oklahoma.

Section 103. Chief in Command

It being the duty of the Chief of the United Keetoowah Band of Cherokee Indians in Oklahoma (the “Chief”) to have general supervision of the affairs of the United Keetoowah Band of Cherokee Indians in Oklahoma (the “Tribe”) and to perform all duties appertaining to the office of Chief, which duty includes the duty to see that the laws of the Tribe are enforced, the Chief of the United Keetoowah Band of Cherokee Indians in Oklahoma shall also be recognized as the Commander of the Lighthorse (the “Commander”). The Commander shall keep informed as to the efficiency and conduct of the Lighthorse in the discharge of its duties. The Commander shall not receive any additional compensation or fiscal benefits for fulfilling the duties of this role, beyond the normal compensation and fiscal benefits received as Chief.

Section 104. Lighthorse Director

The Commander, with the advice and consent of the Council expressed by resolution, shall appoint a person to be the Lighthorse Director.

Section 105. Duties of the Lighthorse Director

The Lighthorse Director shall coordinate the Tribe’s law-and-order program (the “Program”) on the Reservation. The Lighthorse Director shall make recommendations for improving the efficiency of the Program, prepare budgets for the Program, and administer funds used in the Program. The duties of the Lighthorse Director shall be as follows:

- (a) To obey and uphold all laws of the United Keetoowah Band,
- (b) To obey the lawful orders of the Commander,
- (c) To ensure that the orders of the Tribal Courts are properly carried out, to detail such officers as may be necessary to carry out the orders of the Tribal Courts and to provide officers to the Tribal Courts to perform bailiff service, transportation of prisoners, service of Court papers, and/or preserve order during the sessions of the Tribal Courts, as may be requested by the Tribal Court Administrator or any Judge or Justice of the Tribal Courts,
- (d) To be in command of all officers and employees of the Department,
- (e) To adopt reasonable regulations for officers and employees of the Department to serve as a standard of conduct to ensure the efficient maintenance of law and order,
- (f) To instruct, train, and advise officers and employees of the Department in their functions, duties, and responsibilities for the efficient maintenance of law and order on the Reservation,

(g) To subject the officers and employees of the Department to regular inspection, and keep a strict accounting of the equipment issued to them in connection with their official duties,

(h) To keep informed as to the efficiency and conduct of the Lighthorse Police officers in the discharge of their duties, and be responsible to the Commander for the conduct and efficiency of the officers and employees of the Department, giving them such instruction and advice as is necessary,

(i) To report to the Commander, and/or Attorney General all violations of law or regulation and any misconduct of any member of the Lighthorse Police, investigate all reports and charges of misconduct on the part of the officers and employees of the Department, and exercise such proper disciplinary measures as may be consistent with existing tribal personnel policies and police regulations,

(j) To have general charge over the affairs and activities of the Lighthorse Police and to supervise all police personnel of lesser rank,

(k) To do such other law enforcement related activities as the Council shall direct,

(l) To designate an Assistant Lighthorse Police Director to serve as Acting Lighthorse Police Director in the absence of the Lighthorse Police Director, or in case of absence of Lighthorse Director or Assistant Lighthorse Director the next senior office in the chain of command will assume the duties of the Director at the approval by Council,

(m) To ensure cooperation with other law enforcement agencies and make referrals to other law enforcement agencies with proper jurisdiction, where appropriate, and

(n) To be responsible for and have charge over all Lighthorse Police functions in the Tribal Jurisdiction.

#### Section 106. Duties of Lighthorse Police officers

The duties of all Lighthorse Police officers, regardless of rank or commission, shall be:

(a) To obey promptly all lawful orders of the Lighthorse Director, ranking police officers, or a Judge or Justice of the Tribal Courts when assigned to Court duty,

(b) To report and investigate all violations of any law or regulation coming to their attention,

(c) To arrest all persons for violations of the laws and regulations when there exists sufficient grounds, and jurisdiction, for doing so,

(d) To lend assistance to other officers,

(e) To prevent, whenever possible, violations of the laws,

(f) To inform themselves as to the Tribal Constitution, this Police Department Code, the Tribe's Crime and Punishment Code, and all other laws and regulations applicable to law enforcement in the Tribe's Jurisdiction, and to attend such training sessions as the Council or Lighthouse Director may direct,

(g) To become familiar with and practice at all times principles of good police procedure,

(h) To use no unnecessary force or violence in making an arrest, search, or seizure,

(i) To abstain from the use of narcotics and excessive use of alcohol and to refrain from engaging in any act which would reflect discredit on the Tribe or the Lighthouse Police,

(j) To maintain a degree of professionalism at all times,

(k) To report all deaths or accidents of a serious nature or other events or impending events of importance to their superior officers,

(l) To keep all equipment furnished by the Tribe or the Federal Government in good repair and order and to immediately report the loss of any or all such property, and

(m) To obey all regulations which the Lighthouse Director shall adopt.

#### Section 107. Chain of Command

In administrative matters such as the purchase of supplies and equipment, personnel actions, budgeting requirements, and similar matters, the Lighthouse Director shall report the affairs of the Department to the Council, or as Council instructs, on a quarterly basis. In police matters such as incident reports, scheduling of duty officers, police efficiency reports, reports on prisoners in custody, reports of civil rights violations, police misconduct, or similar matters, the Lighthouse Director shall report its affairs directly to the Commander. The Lighthouse Director shall also include in its quarterly report to the Council the matters reported directly to the Commander during the calendar quarter.

#### Section 108. Improper Assignment Prohibited

No person assigned to any division of the Lighthouse Police shall be assigned or detailed for official duty as a janitor or chauffeur or for any duty not connected with the administration of law and order.

## CHAPTER TWO

### DEPARTMENT ADMINISTRATION

#### Section 201. Divisions within the Department

The affairs of the Lighthorse Police shall be divided by the Lighthorse Director into an Administrative Division, a Support Division, and an Enforcement Division.

#### Section 202. The Administrative Division

The Administrative Division shall include employees engaged in such jobs as secretaries, file clerks, food handlers, jail attendants, dispatchers, and similar job functions which do not directly involve patrol, investigation, arrest, and similar duties. Administrative Division personnel need not qualify in firearms training, nor shall they generally have police arrest powers or be issued or allowed to carry firearms. Administrative Division personnel who have a current firearms qualification and who have successfully completed the approved Basic Police Training course may be commissioned as an officer and shall thereafter be authorized to carry firearms and make arrests to the same extent as are officers in the Enforcement Division.

#### Section 203. Support Division

(a) The members of the Support Division shall be persons of good moral character who shall agree to serve the people of the Tribe without pay (other than reimbursement for expenses incurred when possible) in order to provide additional security forces in time of need, and shall be known as the Keetoowah Lighthorse Reserve. The Keetoowah Lighthorse Reserve may be issued uniforms distinct from the officers of the Enforcement Division which shall bear the unit emblem of the Lighthorse Police unit to which they are assigned and shall be worn by members of that unit when called to active duty. The various traditional clans and societies of the Tribe are encouraged to enlist in the Keetoowah Lighthorse Reserve as a unit, although units may be made up from single enlistments by the Lighthorse Director.

(b) The Lighthorse Director shall be in overall command of the Keetoowah Lighthorse Reserve, and may call one or more individuals or units of the Keetoowah Lighthorse Reserve to active duty at any time additional security forces are deemed necessary to protect the public at such events or gatherings as Council meetings, Tribal Court proceedings, Tribal elections, and other dances or events within the Tribal Jurisdiction when additional personnel are needed for security purposes. The Lighthorse Director shall rotate the active duty calls on the various units of Keetoowah Lighthorse Reserve so that duties are distributed between the units as evenly as possible. Individual members or entire units of Keetoowah Lighthorse Reserve willing to serve may be assigned to duty for courtroom security and bailiff's duties in the Tribal Court, or to provide honor guards at funerals of members of the Lighthorse Police or other Tribal dignitaries. However, these duties shall be entirely voluntary and may not be required.

(c) Members of any unit of the Keetoowah Lighthorse Reserve, who have a current firearms qualification and who have successfully completed the approved Basic Police Training course

shall have police arrest powers when on active duty or when they have probable cause to believe that an offense was committed or is being committed in their presence, and they may be issued and carry nonlethal weapons. Any person arrested by a member of the Keetoowah Lighthorse Reserve shall be delivered into the custody of an officer of the Enforcement Division of the Lighthorse Police as soon as possible.

(d) In order to qualify as a member of the Keetoowah Lighthorse Reserve, a person must be:

- (1) Not less than twenty one (21) years of age, in sound physical and mental condition, and of sufficient size and strength to perform the required duties,
- (2) An enrolled citizen of the United Keetoowah Band of Cherokee Indians in Oklahoma, or the spouse, parent, child, brother, sister, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of a member of the United Keetoowah Band of Cherokee Indians in Oklahoma,
- (3) Of good moral character, never having been convicted of a felony or other crime in any jurisdiction for which banishment is a possible punishment under Tribal law, and have, for a period of three years next preceding appointment and during service, have committed no crime other than minor traffic offenses, and regularly abstained from being drunk or otherwise abusing alcohol or drugs,
- (4) Approved by the Lighthorse Director as having completed a check of the records of the Tribal Court, the Oklahoma State Bureau of Investigation, and the Federal Bureau of Investigation for any criminal record,
- (5) Approved by the Lighthorse Director as having taken a public oath to support and defend the constitution and laws of the United Keetoowah Band of Cherokee Indians in Oklahoma, to obey all lawful commands of superior officers, and to fairly and honestly perform the duties required of a member of the Keetoowah Lighthorse Reserve, and
- (6) Willing and able to attend a basic or reserve police academy as a condition to hiring and continued service.

(e) Upon request of a member of any unit of the Lighthorse Police and with the approval of the Lighthorse Director and the Council, Special Lighthorse commissions may be granted to any person ineligible to become a member of the Keetoowah Lighthorse Reserve due to failure to meet qualifications required Section 203(d), and such person shall be assigned to the unit requesting the special commission.

(f) Upon taking the oath of office, and thereafter as an individual's rank changes or at intervals decided by Police regulation, each member of the Keetoowah Lighthorse Reserve may

be issued a commission card containing the individual's photograph, name, rank, badge number, a statement as to whether the officer is authorized to carry firearms, the signatures of the Lighthorse Director and the Commander of the Lighthorse Police, a badge, a nameplate, and may be issued a uniform. Other equipment necessary to the officer's duties shall be issued as necessary when called to active duty. A member of the Keetoowah Lighthorse Reserve shall be expected to attend such amount of police training during each year as may be required by the Lighthorse Director.

(g) The commission as a Keetoowah Lighthorse Reserve Officer shall continue during good behavior and continued eligibility for the life of the officer. Members of the Keetoowah Lighthorse Reserve may be entitled to wear their uniforms at any organized function of the Tribe, to participate in all law enforcement activities of the Tribe, to attend all police and law enforcement training provided by the Tribe to the extent funds are available, to participate individually, by unit, or by division in all social activities sponsored by the Tribe or the Lighthorse Police, and to be recognized and treated as a veteran and warrior of the Tribe and to have burial with Lighthorse Police honors.

#### Section 204. Enforcement Division

The Enforcement Division shall include employees engaged in providing direct patrol, investigation, arrest, and similar regular functions of the Lighthorse Police. Enforcement Division personnel must maintain a current qualification in firearms training and shall have police arrest powers. Enforcement Division personnel who do not have a current firearms qualification, or who do not successfully complete the approved Basic Police Training course within the required time may be reassigned to the Administrative Division, demoted, or dismissed.

#### Section 205. Special Tribal Police Officers and Cross Deputization

(a) Any member of the Keetoowah Lighthorse, and any person regularly employed as a law enforcement officer by the Federal Government, the State of Oklahoma or any of its political subdivisions, or any Indian Tribe within the State of Oklahoma who would meet the minimum qualifications for entry as an officer in the Enforcement Division of the Lighthorse Police may receive a special Lighthorse Police Officer Commission ("Commission") upon the recommendation of the Lighthorse Director and Commander, with the approval of the Council expressed by resolution. Such Commission shall entitle the specially commissioned officer thereof to exercise the powers and duties of a member of the Enforcement Division of the Lighthorse Police when their assistance is requested within the Tribal jurisdiction by any Tribal official. Such officers shall be under the supervision of regular members of the Enforcement Division of the Lighthorse Police while actively involved in providing assistance within the Tribal jurisdiction and shall be entitled to exercise all the privileges and immunities of a member of the Lighthorse Police in such situations.

(b) Officers of the Enforcement Division and Support Division of the Lighthorse Police may accept, with the approval of the Lighthorse Director, similar special or deputy commissions from other Indian Tribes in Oklahoma, the State of Oklahoma, and any of its political subdivisions, and the Federal Government for which they are qualified, and are authorized, with the consent of

their commanding officer or the officer in charge in an emergency situation, to provide all aid and, assistance possible to the law enforcement agencies in surrounding jurisdictions in order to protect innocent lives and property, to provide better law enforcement services for all persons, and to apprehend violators of the laws.

(c) All Enforcement Division officers are encouraged to qualify for, and to receive, a Special Law Enforcement Commission from the Bureau of Indian Affairs.

Section 206. Ranks

(a) Police officers of the Lighthorse Police, except Reserve Police officers, shall be assigned one of the following ranks dependent upon their length of service, the extent of their duties of enforcement and supervision of other employees, and the needs of the Department according to the following descending order:

	<u>Rank</u>	<u>Description</u>
A.	Commander	Chief of United Keetoowah Band of Cherokee Indians in Oklahoma - oversees all police activities.
B.	Lighthorse Director	Supervises all police activities. Conducts investigations. Designates an Assistant Lighthorse Director to serve as Acting Lighthorse Director in the absence of Lighthorse Director
C.	Assistant Director	Will assist in the oversight of all duties and responsibilities of the Lighthorse Department, and in the absence of the Director shall step into the Director role.
D.	Investigator/Captain	Supervises all activities of a Division. Conducts investigations.
E.	Lieutenant	Supervises all activities of two or more units in the Enforcement and Administrative Divisions and supervises all activities of a unit in the Support Division. Conducts investigations.
F.	Sergeant	Supervises all activities of a ten-person squad in the Enforcement and Support Divisions. Supervises a department within a unit in the Administrative Division. In service with the Tribe more

than four years with good behavior, and/or other special qualifications. Patrols and assists in investigations.

- G. Police Officer Patrols and assists in investigations.
- H. Administrative Officer I In service with the Tribe in the Administrative Division for more than two years with good behavior, and/or other special qualifications. May supervise Administrative officers. Equivalent to Police Officer in rank.
- I. Administrative Officer II In service with the Tribe more than one year with good behavior. May supervise entry level Administrative officers as needed.
- J. Administrative Officer III Entry level personnel in the Administrative Division.

(b) The Lighthorse Director shall, with the written approval of the Commander, hire, fire, discipline, promote, and demote as necessary persons from and to all lesser ranks. The Lighthorse Director shall, with the approval of the Council expressed by resolution, hire, fire, discipline, promote, and demote as necessary persons to and from all ranks from the rank of Lieutenant to the rank of Assistant Director, provided that, in selecting supervisory personnel for the Keetoowah Lighthorse Reserve, each officer selected, except the Lieutenant, shall be a member of some unit of the Lighthorse Police. The choice of the unit or units which the officer will supervise, including the Lieutenant of the Lighthorse Police, shall be given great, but not conclusive, weight in the selection or promotion of such officers.

(c) The police regulations promulgated pursuant to this Title shall provide for distinctive and easily identifiable markings, badges, or other indication of rank which shall be worn at all times that the officer is in uniform or on active duty.

#### Section 207. Enforcement Division Uniforms

All officers in the Enforcement Division shall be issued a Lighthorse Police uniform which shall be distinct from the uniforms of the Administrative and Support Divisions, a badge, nameplate, firearm, and such other equipment as is deemed necessary by the Lighthorse Director and authorized in the regulations of the Lighthorse Police.

#### Section 208. Administrative Division Uniforms

The personnel of the Administrative Division may be required to wear a uniform by the regulations of the Department, and if so, uniforms distinct from the uniforms of the

Enforcement and Support Divisions shall be issued to such persons. All personnel of the Administrative Division shall wear a name tag while on active duty identifying them as personnel of the Department.

Section 209. Commission Cards for Enforcement Division officers

Each Enforcement Division officer and the Lighthouse Director shall, upon taking their oath of office, and thereafter as an individual's rank changes, or at intervals decided by Department regulation, be issued a commission card containing the officer's photograph, name, rank, badge number, authorization to carry firearms and make arrests, the fact that such person is a commissioned law enforcement officer of the Tribe, the signatures of the Commander and the Lighthouse Director, and across the top of such commission card the words:

United Keetoowah Band Tribal Police  
Lighthouse Police Officer  
Oklahoma, Tahlequah, Oklahoma

Section 210. Identification to be Shown Upon Request

Every member of the Lighthouse Police shall carry their commission (or other identification in the case of non-commissioned employees) with them at all times when on active duty, and shall, as soon as reasonably practical under the circumstances, exhibit such commission or identification and give their name, rank, and badge number upon request of any person.

Section 211. Authority to Make Police Regulations

The Lighthouse Director is hereby authorized and empowered to make any useful or necessary rule or regulation, not inconsistent with this Title or any other provision of Tribal law or the Indian Civil Rights Act, to promote the efficient, safe, and honest conduct of the activities of the Department. Every such rule or regulation shall be filed for record in the office of the Tribe Secretary and the Clerk of the Tribal Court prior to becoming effective. A copy of every such rule and regulation shall be delivered to the Commander and the Council at or prior to the time of filing. The Commander or the Council may vacate or modify any such rule in writing filed with the Tribe Secretary and the Clerk of the Tribal Court.

Section 212. Tribal Prosecutor and Tribal Attorney as Special Officers

The Tribe's Attorney General and District Attorneys, as the chief prosecutors for the Tribe, upon qualification in an approved firearms training course, shall be granted a commission as Special Tribal Police Officers of the Enforcement Division. Such persons shall not receive extra compensation for their activities as Special Tribal Police Officers, but shall receive their normal compensation, compensatory time off, and other benefits, for their activities as Special Tribal Police Officers at the regular rates for their other duties.

### Section 213. Legal Assistance to the Lighthorse Police

The Commander or the Lighthorse Director is authorized to request, and the Tribe's Attorney General, Assistant Attorneys General, and District Attorneys are authorized to give, legal advice and assistance upon questions of importance affecting the performance of the duties of Lighthorse Police either personally at the scene of an incident, orally whether in person or by telephone, or by written memorandum. In cases involving serious offenses and when the need for immediate information or advice is critical to protect persons or property or to preserve the integrity of a criminal case, the officer in charge of the immediate scene of the incident or place where such question arises may contact the Attorney General, an Assistant Attorney General, or a District Attorney immediately without first submitting a request for such information through superior officers. In every such case, the officer taking such action shall promptly file a report through the immediate superior officer to the Lighthorse Director describing the action taken and detailing the reason immediate information was necessary under the circumstances.

## CHAPTER THREE

### TRAINING AND FIREARM STANDARDS

#### Section 301. Police Training

It shall be the goal of the Lighthorse Police to attract and retain experienced, professional police personnel. To this end, it shall be the duty of the Lighthorse Director to maintain from time to time, as circumstances require and permit, classes of instruction for the members of the Lighthorse Police. Such classes shall familiarize the officers with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities with court orders and legal forms and the related duties of the police, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crimes and of securing cooperation with the citizens of the Tribe, other residents of the tribal jurisdiction, and surrounding communities in establishing better social and governmental relations.

#### Section 302. Uniforms

Uniforms, when worn, shall positively identify the wearer as a law enforcement officer. Badge, name plate, and tribal identification patch shall be visible at all times. Uniforms of each Division of the Lighthorse Police shall be plainly and easily distinguishable, even at a distance. Each officer and employee of the Department shall be issued a standard commission card or identification card bearing a photograph of the officer or employee.

#### Section 303. Unauthorized Wearing of Police Uniforms Prohibited

It shall be unlawful for any person not a member of the Lighthorse Police, or not honorably retired from active duty from the Lighthorse Police, to wear the uniform of a member of the Lighthorse Police. Anyone violating the provisions of this Section may be fined up to five hundred dollars (\$500.00). In every case, such uniform shall be confiscated as contraband. This Section shall not apply to such uses of the Lighthorse Police uniform as may be authorized by the Lighthorse Director in writing or by regulation for plays, educational events, Department activities and similar functions.

#### Section 304. Use of Firearms and Other Force

(a) A firearm may be discharged in the line of duty only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person, or when the officer is attempting to apprehend a fleeing person who has committed a felony or a banishment offense which resulted in the death or serious bodily injury of another person in the presence of the officer and no other reasonable means will prevent escape, or when the person is an escaped felon convicted of an offense which involved the death or serious bodily injury of another and no other reasonable means will prevent escape.

(b) The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training, the private use of firearms in target practice at the police range or other target range while off duty, the private use of firearms while hunting while off duty, or the use of firearms, whether on or off duty to kill a dangerous or seriously injured animal.

(c) In other situations, an officer may use any reasonable force, but not including deadly force, necessary to prevent or halt unlawful activity conducted in the presence of the officer or to apprehend or recapture a person subject to arrest.

#### Section 305. Report of Firearm Use

Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the officer who used the weapon and forwarded through the chain of command to the Lighthouse Director. Whenever use of a weapon results in a serious injury or death of any person, the officer firing the weapon shall be placed on administrative leave or be assigned to the Administrative Division or other strictly administrative duties pending a thorough investigation of all circumstances surrounding the incident. The investigation shall be conducted by the Council who shall hold a public hearing upon notice to determine the facts of the case and whether, under the circumstances, the use of the firearm was justifiable. If the Council determines that the use of the firearm was justified, the officer shall be returned to active duty at the officer's prior assignment. If the Council determines that the use of the firearm was not justified, the officer shall be subject to such disciplinary action, including a referral to the Tribal Attorney General or District Attorney or United States Attorney for prosecution, as may be appropriate. There shall be no right to appeal an adverse decision of the Council taken after a hearing pursuant to this Section, except as to any allegations of improper procedure, which may be brought to the Tribal District Court.

#### Section 306. Firearms Qualification

Each law enforcement officer in the Enforcement Division, and any other officer who shall be licensed to carry firearms, must have attained a score of seventy percent (70%) or better on an approved firearms qualification course within the previous six (6) months to be qualified to carry a firearm. Whenever an officer's firearms qualification lapses, the officer shall return all firearms issued to the officer by the Department. Failure to maintain qualification may result in demotion or dismissal. The following courses are approved firearms qualification courses:

- (a) Council on Law Enforcement Education and Training Certification ("CLEET") Firearms Course,
- (b) The National Rifle Association National Police Course,
- (c) The National Rifle Association 25-Yard Course,
- (d) The National Rifle Association Practical Pistol Course,

- (e) The Federal Bureau of Investigation Practical Pistol Course, or
- (f) Any other course approved by the Council.

Section 307. Types of Weapons and Ammunition to be Used

The following types of firearms and ammunition may be issued by the Department to members of the Lighthorse Police, or used by members of the Lighthorse Police, subject to the regulations of the Department:

- (a) Any firearm that is approved by the Lighthorse Director.
- (b) .223 or .556 caliber rifle and standard factory load ammunition. Bolt action, semi-automatic, or fully automatic upon compliance with any federal regulation regarding fully automatic weapons.
- (c) 12-gauge shotgun and standard factory load #00 buckshot or slugs. Pump or semi-automatic only.
- (d) With the approval of the Council, any pistol or rifle which may be obtained from the Federal Government for use by tribal law enforcement personnel.
- (e) Officers may be issued and may use such other firearm and non-firearm auxiliary equipment, such as batons, mace, tear gas, and rubber ammunition, as the regulations of the Department shall allow.

## CHAPTER FOUR

### TRAINING AND EMPLOYEE QUALIFICATIONS

#### Section 401. Training of Police Officers

(a) Newly employed officers of the rank of Police Officer, shall successfully complete, prior to or within their first year of service in that rank, the approved Basic Training Police Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Council and the law enforcement division of the Bureau of Indian Affairs. An officer who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training, shall be discharged or transferred to a position in the Administrative Division. Transfer may result in demotion.

(b) Newly employed officers of the rank of Sergeant and Lieutenant shall successfully complete, prior to or within their first year of service in that rank, the approved Supervisory Enforcement Officer Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Council and the law enforcement division of the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training, shall be discharged or transferred to a non-supervisory position. Transfer may result in demotion.

(c) Newly employed officers of the rank of Lighthorse Director or Assistant Director shall successfully complete, prior to or within their first year of service in that rank, the approved Executive Management Course of Training conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Council and the law enforcement division of the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay for such training, shall be discharged, demoted to First Lieutenant, or transferred to a position in the Administrative Division. Transfer may result in demotion.

(d) Each law enforcement officer in the Enforcement Division, with the exception of the Commander, shall receive a minimum of forty hours of local in-service training annually to meet training needs determined by the Lighthorse Director or the Commander, and to keep abreast with developments in the field of law enforcement.

(e) The provisions of this Section shall not apply to personnel in the Administrative Division, or the Support Division except as otherwise provided in this Title or by regulation of the Department. Unless otherwise prohibited by Department regulation or federal funding requirements, completion of equivalent state or federal training programs shall, upon approval by the council, constitute compliance with this Section.

Section 402. Entry Level Qualifications

(a) For all positions funded by the Bureau of Indian Affairs, the minimum entry level qualifications for officers of the rank of Sergeant and below shall be equivalent to Police Series, 0083 of the Office of Personnel Management standards. The minimum entry level qualifications for officers of the rank of Lieutenant and above shall be Criminal Investigation Series, 1811 of the Office of Personnel Management standards.

(b) For all positions funded by tribal funds, the minimum entry level qualifications for officers of the rank of Sergeant and below are:

- (1) Not less than twenty one (21) years of age,
- (2) Of good moral character never having been convicted of a felony or other crime in any jurisdiction for which banishment is a possible punishment under tribal law and for a period of three years next preceding appointment and during service, have committed no crime other than minor traffic offenses and regularly abstained from being drunk or otherwise abusing alcohol or drugs,
- (3) Have completed, submitted, and had approved by the Lighthouse Director and any other required approval by Tribal authorities, an application on a form provided for that purpose, and have passed a check of the records of the Tribal Court, the Oklahoma State Bureau of Investigation, and the Federal Bureau of Investigation for any criminal record,
- (4) Have completed high school or received an equivalency certificate from an authority authorized to grant such certificate,
- (5) Have taken a public oath to support and defend the Constitution and laws of the Tribe, to obey all lawful commands of superior officers and to fairly and honestly perform the duties required as a member of the Lighthouse Police, and,
- (6) Satisfy any other requirement established by Department regulations.

(c) For all positions funded by tribal funds, the minimum entry level qualifications for officers of the rank of Lieutenant and above are:

- (1) Meet all the qualifications established under Section 402(a).
- (2) Have completed at least sixty (60) credit hours of college courses from an accredited institution or have at least five years full time law enforcement experience.

## CHAPTER FIVE

### DISCIPLINARY ACTIONS

#### Section 501. Disciplinary or Other Adverse Employee Actions

Prior to taking an adverse disciplinary action against any employee; the Department, Commander, Lighthouse Director, Council or other authority authorized by this Title or Police regulation to discipline law enforcement officers shall take the steps as outlined in the United Keetoowah Band Human Resources Policy/Handbook.

#### Section 502. Code of Conduct

The Lighthouse Director shall by regulation establish a law enforcement code of conduct and shall require each law enforcement officer employed or commissioned by the Department to adhere to the law enforcement code of conduct prescribed by the regulations. The code shall establish specific rules concerning conflicts of interest, employee conduct both on and off duty, impartiality, and thoroughness in performance of duty, and acceptance of gifts or favors. The code shall ensure that certain standards of conduct are included which will require each law enforcement officer to be capable of performing that officer's duties to the greatest extent possible.

#### Section 503. Statistical Reports.

The Lighthouse Police may use the same report forms and submit the same statistical reports to the same Central Office that are required of Bureau of Indian Affairs police programs.

#### Section 504. Civil Rights Violations

(a) When a law enforcement officer receives an oral or written allegation that a law enforcement officer employed by the Lighthouse Police has violated the civil rights of any person, the officer receiving the allegation shall prepare a written report of the allegation and transmit it through the chain of command to the Lighthouse Director within seven days of receipt of the allegation. The Lighthouse Director shall deliver a copy of the report to the chief law enforcement officer, Eastern Oklahoma Region, Bureau of Indian Affairs (the "BIA Chief Law Enforcement Officer"). The Lighthouse Director shall follow the steps outlined in the United Keetoowah Band Police Regulations and shall notify the Attorney General.

(b) If the incident occurs while the Lighthouse Police is receiving federal funds, then not later than seven days after being notified of the allegation, the BIA Chief Law Enforcement Officer must take the following actions:

- (1) Notify the Federal Bureau of Investigation, the agency superintendent or contracting officer's representative, and the Council. The notice to the Federal Bureau of Investigation shall state whether an investigation is being

conducted to determine whether UKB Tribal Law was violated and shall cite any relevant provisions of the Tribal Code.

- (2) If the officer against whom the allegation is made is an employee of the Bureau of Indian Affairs, prepare a memorandum to the superintendent, who shall, through the area director and the Assistant Secretary-Indian Affairs, transmit to the Director, Office of Audit and Investigation, a request that the allegation be investigated to determine whether any administrative action is warranted. The memorandum shall be transmitted through the superintendent and the area director. The Council shall receive a copy of any such memorandum.
- (3) If the officer against whom the allegation is made is an employee of the Tribe, notify both the top Bureau of Indian Affairs law enforcement officer assigned to the agency and the Council. If there is no Bureau of Indian Affairs law enforcement officer at the agency, the superintendent and the area special officer shall be notified.

(c) If the Lighthorse Director is accused of a civil rights violation, the report of the allegation shall be transmitted directly to the area director and the Attorney General. If there is no area director, the report of the allegation shall be transmitted directly to the Assistant Secretary - Indian Affairs.

(d) As soon as all actions required by this Section 504 have been completed, a copy of all documents concerning the allegation shall be transmitted to the Director, Office of Justice Services, in the Central Office of the Bureau of Indian Affairs.

## CHAPTER SIX

### DETENTION PROGRAMS

#### Section 601. Minimum Standards for Detention Programs

(a) The Detention and Jails Unit of the Administrative Division of the Lighthouse Police and any contractor of jail services which receives federal funds shall meet the following minimum standards:

- (1) No sick or injured person may be booked or held in a detention facility unless a medical release has been obtained from a medical officer.
- (2) Any inmate requiring medical attention shall be treated as soon as possible.
- (3) The jailor or other responsible employee shall maintain control over and issue all medicine to prisoners under treatment for chronic ailments to ensure proper use and to guard against overdose.
- (4) Routine inspections of all cells shall be conducted at least every sixty (60) minutes to protect the safety and welfare of prisoners. A record of each inspection shall be logged in appropriate records. Any reason for increased checks shall be documented and approved by the jailor or person designated by the jailor on shift.
- (5) Only persons who have been specifically authorized by the jailor to visit a prisoner or prisoners may be allowed in the cell block areas.
- (6) Special attention shall be given to cells occupied by persons jailed for intoxication to guard against the infliction of personal injury.
- (7) No juvenile will be kept in the same cell with any adult. Nor shall prisoners of opposite sexes, be kept in the same cells, or cells within open view of each other. Additionally any prisoner who may be at higher risk of harm by other prisoners must be kept separately from other prisoners.
- (8) Each prisoner shall be served three nutritionally adequate meals a day.
- (9) The number of persons in each cell may not exceed the number for which the cell was designed.
- (10) A record of all visitors shall be maintained indicating date, time, and identity of each visitor.
- (11) Proper precautions shall be taken to ensure the safekeeping of property belonging to inmates.

## CHAPTER SEVEN

### MISCELLANEOUS PROVISIONS

#### Section 701. Return of Equipment

Upon the resignation, death, or discharge of any member of the Lighthorse Police, all articles or property issued in connection with the officer's official duties must be returned to the Lighthorse Director, or to the Lighthorse Director's representative. This provision may be waived by Lighthorse Police regulation as to uniforms and other equipment, other than firearms, for officers honorably retired or who died while in service.

#### Section 702. Delegation and Assignment of Duties

By Police Regulation, the duties of the Lighthorse Director may be delegated to other positions within the Department. The Lighthorse Director shall assign such duties to officers and employees of lesser rank as may be necessary for the proper functioning of the Department.

#### Section 703. Immunities

No member of the Lighthorse Police and no person acting at the request and direction of such member during an emergency situation shall be held to answer for any personal, civil, or criminal liability for actions taken within the scope of the person's authority while in the discharge of the officer's police duties under the law.

This Code and the Department regulations referenced herein can be modified or rescinded by the Council, with any such modifications to be applied prospectively, and any such modification or rescission shall not be a basis for any cause of action against the Tribe or the Department.

#### Section 704. Bonding

The Lighthorse Director by regulation shall provide for the bonding of all officers in the Enforcement Division and such other officers as may be bonded in an amount determined by the Lighthorse Director with the consent of the Council. The cost of such bonds shall be paid from tribal funds. The sovereign immunity of the Tribe is hereby waived in the Tribal Courts only, and only to the extent and scope of the coverage of such bonds as may be in force at any particular time, as to actions by persons injured due to excessive use of force, violation of civil rights, or other cause inflicted by Lighthorse Police personnel. This Section shall not be construed to provide any independent cause of action against either the Tribe or its officers.

#### Section 705. Current Employees

(a) Those persons currently employed by the Tribe as Lighthorse Police Officers shall constitute the original staff of the Lighthorse Police at such ranks and rates of pay as shall be determined by the Council.

(b) Time in service of current and prior Keetoowah Lighthorse Reserve Officers shall be deemed to be time in service with the Lighthorse Police for purposes of promotions and retirement, if applicable.

(c) Notwithstanding any other provision of this act, current Keetoowah Lighthorse Reserve Officers shall have a period of not less than two years in which to successfully qualify for entry as a Police Officer prior to being discharged or re-assigned to non-enforcement duties, provided that such officers shall qualify to carry firearms as herein provided before such officers shall be issued or allowed to carry any firearms.

Section 706. Unclaimed property

(a) Subject Property. When lost, stolen, abandoned or otherwise unclaimed property or money, except vehicles, comes into the possession of the Department, the Department shall hold and store such property until it is claimed and all just and reasonable charges for saving, storage, and providing notice have been paid, or it is disposed of pursuant to this Section.

(b) Return to Owner – Proof Required. Property may be delivered or money paid to the true owner upon proof of ownership satisfactory to the Lighthorse Director or their designee at any time prior to disposal.

(c) Dangerous or Perishable Property. Any property coming into possession of the Department which the Lighthorse Director or their designee determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as may be in the public interest.

(d) Notification. The Tribe shall make a reasonable attempt to notify the true owner of their right to claim the property prior to disposing of unclaimed money or property valued at two hundred fifty dollars (\$250.00) or more. A reasonable attempt to notify the owner shall include notice prepared and served by:

- (1) Publication in the Tribe's newspaper if a Tribal newspaper is currently operational, for two consecutive publications;
- (2) Publication for a period of at least thirty (30) consecutive calendar days on the Tribe's official government website;
- (3) Personal service; or
- (4) Certified mail delivered to the owner's residential address.
- (5) Content of Notice. Notice shall include:
  - (i) The name of the owner or owners of unclaimed property, if known.
  - (ii) A brief description of the property and the date the property came into the custody of the Department.

- (iii) Contact information for the Department.
  - (iv) A statement that property that remains unclaimed may be sold, converted to Tribal ownership, or disposed of in accordance with this Section.
  - (v) A statement that information concerning the property and claims of ownership should be directed to the Department.
- (e) Abandonment. Following notification pursuant to Section 706(d), any property that remains unclaimed by the true owner shall be deemed abandoned and vest in the Tribe after the following periods of time:
  - (1) For money, one hundred eighty (180) days.
  - (2) For bicycles, thirty (30) days.
  - (3) For all other property, sixty (60) days.
- (f) Disposal. Abandoned property and money shall be disposed of as follows:
  - (1) Firearms shall be converted for use by the Department, auctioned, or traded to a licensed gun dealer, or destroyed.
  - (2) Property that is of no use to the Tribe and is unsellable or of minimal value may be destroyed at the discretion of the Lighthorse Director or their designee.
  - (3) Money shall be transferred to the General Fund.
  - (4) All other property, at the discretion of the Lighthorse Director or their designee, shall be:
    - i. Sold at public sale and the net proceeds transferred to the General Fund;
    - ii. Converted for use by the Tribe for a public purpose; or
    - iii. Donated to a charitable, civic, or nonprofit organization.
- (g) Finders. Notwithstanding Section 706(e) of this Section, abandoned property or money shall be delivered back to the finder of said property or money, other than a Tribal employee who found the property in the course of employment, if the finder has served written notice upon the Department that she or they wishes to assert a claim to the property or money as a finder, except that under no circumstances shall a firearm be delivered to a finder.

- (h) The provisions of this Section do not apply to property or money held by the Tribe pending forfeiture pursuant to Tribal law, and shall only apply to property or money that has been lost and found or held as evidence after the obligation to hold it as evidence has expired and no other provisions of law are applicable concerning its disposition.
  
- (i) Oklahoma Statute Title 47, Section 954A (2020), Abandoned motor vehicle – Removal, is hereby adopted and incorporated as provisions of this chapter, as modified herein, and shall apply to all Reservation lands and govern impoundment, removal, and sale or disposal of abandoned or junk vehicles. Any references in 47 O.S. §954A to “law enforcement officer,” “police officer,” and “law enforcement agency” shall include the Lighthorse Police Department and its officers. Any references in 47 O.S. §954A to a court shall include the UKB Tribal Courts, and the UKB Tribal Courts shall have jurisdiction to enforce 47 O.S. §954A on its Tribal Jurisdiction. Nothing in this subsection waives the immunity of the Tribe or authorizes any cause of action against the Tribe. Nothing in this subsection shall be construed to grant jurisdiction to the State of Oklahoma or its subdivisions over the Tribe or its members, or any lands of its Tribal Jurisdiction. Amendments of 47 O.S. §954A by the State of Oklahoma subsequent to enactment of this subsection shall become a part hereof unless the Council by ordinance or resolution specifically provides otherwise.