

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUL 11 2019

ORDINANCE NO. 660 (2019)

WHEREAS, Tribal law enforcement officers are subject to the Tribe's personnel policy and Tribal HR procedures, the same as all other Tribal employees; and

WHEREAS, an exception is that if a law enforcement officer wants to appeal a disciplinary action imposed on him or her, the officer must appeal to the Cherokee Police Commission; and

WHEREAS, this special appeals process is not as well developed or as routinely applied as the process used by the Tribe's HR program; and

WHEREAS, this disparate treatment is unfair to our law enforcement officers, increases the risk that mistakes could be made that would be detrimental to all parties, and potentially increases the Tribe's legal liability; and

WHEREAS, Tribal law should be amended to provide that Tribal law enforcement officers shall have the same disciplinary appeals process as all other Tribal employees.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that Cherokee Code Sec. 120-5 shall be amended to read as follows:

Sec. 120-5. - Authority.

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

- (a) Oversight of all Tribal Law Enforcement programs. The Chief of Police and other Tribal Law Enforcement Managers shall manage the daily operations of their respective program and shall implement the Commission's policies and goals; the Chief of Police and other Tribal Law Enforcement Managers shall report to the Commission; provided, however, that employee disciplinary matters shall be performed as provided in subsection (e) of this section.
- (b) Enact the overall policy, rules and regulations for the governance of Tribal Law Enforcement ~~and its personnel~~, except for those matters governed by the Tribe's personnel policy;
- (c) Prescribe penalties for violations of its rules and regulations, except for those matters governed by the Tribe's personnel policy;

- 1 (d) Form an Internal Review Board to conduct investigations and hearings on allegations of
2 law enforcement misconduct, except for those matters governed by the Tribe's personnel
3 policy;
4 (e) ~~Hear final appeals from Law Enforcement Officers for discipline imposed by their~~
5 ~~respective Law Enforcement Program Manager, Chief of Police or the Internal Review~~
6 ~~Board;~~ To be informed, by the Chief of Police or his or her designee, of final disciplinary
7 actions imposed on law enforcement officers and law enforcement officials. Such
8 disciplinary actions, including administrative appeals to the employee appeals committee,
9 shall be performed as provided in the Tribe's personnel policy, for all persons who are
10 hired employees. Disciplinary matters regarding appointed employees shall be performed
11 by the appointing authority.
12 (f) Review annual budgets prepared by Law Enforcement Program Managers and the Chief of
13 Police and make recommendations to the Principal Chief and Tribal Council;
14 (g) Review the qualifications for each rank and grade in the law enforcement field and make
15 recommendations as necessary;
16 (h) Review use of all property and equipment used by or in connection with the operation of
17 law enforcement departments/programs;
18 (i) Advise the Chief of Police and other Tribal Law Enforcement Managers on law
19 enforcement-community relations;
20 (j) Submit an annual report to the Principal Chief and Tribal Council;
21 (k) All Commissioners shall have the authority to vote on issues coming before the
22 Commission;
23 (l) To draft and administer by-laws of the Cherokee Police Commission;
24 (m) To share relevant information/perspectives from other community groups, organizations
25 and/or constituencies with the Commission;
26 (n) To represent the Commission at public events and other organizational meetings;
27 (o) Serve on temporary committees or task groups that address specific work plan items;
28 (p) Investigative subpoena power; and
29 (q) Serve as an outreach entity for citizens to submit law enforcement recommendations,
30 complaints and/or commendations.
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32 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are
33 rescinded, and that this ordinance shall become effective when ratified by the
34 Principal Chief.
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38 *Submitted by Principal Chief Richard G. Sneed*