

**TITLE 3A
LAW ENFORCEMENT**

**CHAPTER 1
GENERAL PROVISIONS**

Section 3A-1-1. Authority. This Title is enacted by the Executive Committee of the Flandreau Santee Sioux Tribe in accordance with Article VIII, Section 1 (f) of the Flandreau Santee Sioux Constitution and By-laws.

Section 3A-1-2. Purpose. The purpose of this title is to establish a system of law enforcement for the Flandreau Santee Sioux Reservation in accordance with Article VIII, Section 1 (f) of the Flandreau Santee Sioux Constitution to provide for the prevention and detection of crime, enforcement of criminal and traffic laws of the Tribe, and to secure the peace and security of the tribal community and promote the general welfare of the Tribe and tribal community.

Section 3A-1-3. Establishment of law enforcement agencies. The Executive Committee shall establish an adequate agency to provide law enforcement services on the Reservation. Law enforcement agencies may be established by the creation of a tribal police force or by entering into contracts with other governmental agencies for law enforcement services. The Executive Committee has the duty to ensure that the reservation has continuous law enforcement coverage.

Section 3A-1-4. Law enforcement authority and duties. The Agency and officers authorized by Resolution of the Executive Committee to provide law enforcement on the Reservation shall exercise the following powers and duties:

1. To prevent and investigate all crimes occurring on the Reservation;
2. To enforce all tribal laws, ordinances, and traffic regulations;
3. To execute warrants and other criminal and civil process;
4. To keep the peace and suppress disorder and civil disobedience;
5. To make arrests according to law;
6. Any other duty that may be necessary to the efficient provision of law enforcement.

Section 3A-1-5. Tribal law enforcement officer defined. A tribal law enforcement officer means any employee or officer of the Tribe who is granted law enforcement authority as set out in Section 3A-1-4 of this Title or any individual employed by an agency which the Tribe has contracted with for law enforcement services.

Section 3A-1-6. Minimum qualifications to serve as a tribal law enforcement officer/Bureau of Indian Affairs Certification. Within a reasonable time but not more than twelve months, every individual employed as a tribal law enforcement officer either by the Tribe or by an agency which the Tribe has contracted with for law enforcement services, shall be certified as a law enforcement officer by an institution authorized by law to certify individuals as law enforcement officers and certified as a tribal law enforcement officer by the Bureau of Indian Affairs.

Section 3A-1-7. Oath of Office. Upon taking office, a tribal law enforcement officer shall take and subscribe to an oath as follows:

"I _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Flandreau Santee Sioux Tribe, uphold and enforce the laws of the Flandreau Santee Sioux Tribe and that I will faithfully discharge the duties of my office to the best of my ability, so help me God."

The Chief Judge of the Tribal Court or the President of the Tribe shall administer the oath of office.

Section 3A-1-8. Mutual Assistance Agreements. An agency authorized by the Tribe to provide law enforcement services under this Title, with the advice and consent of the Executive Committee, may enter into mutual aide and assistance agreements with other law enforcement agencies for the purpose of providing backup and assistance for emergency situations occurring on the Reservation. Such agreements may grant limited jurisdiction to such other law enforcement agencies to act as law enforcement officers in emergency response situations. The terms and conditions of such agreements shall be set by written agreement.

CHAPTER 2
PUBLIC SAFETY COMMISSION

Section 3A-2-1. Creation. There is hereby created and established in and for the Tribe, a Public Safety Commission for the purpose of establishing, administering and supervising a law enforcement agency responsible for carrying out the purpose of this ordinance.

Section 3A-2-2. Composition and appointment. The Commission shall be composed of nine (9) members. No person employed as a law enforcement officer for the Tribe, or any member of that person's immediate family, shall be a member of the Commission. The members of the Commission shall be appointed by the Executive Committee, provided that if by written agreement with the City of Flandreau it shall have representation on the Commission, then the number of persons that are to be appointed by the City as provided for in that agreement shall be subtracted from the number appointed by the Executive Committee.

Section 3A-2-2. Terms. The members of the Commission shall be appointed for terms of three (3) years. Initially the terms shall be shortened and staggered to provide for renewal of terms at different times by providing for one-third to be appointed for one year, one-third appointed for two years and the remainder for three years.

Section 3A-2-3. Removal and vacancy of members. Any member of the Commission appointed by the Executive Committee shall be subject to removal by the majority vote of the entire Executive Committee, after recommendation of removal by the Commission. In the event of vacancy in any membership on the Commission caused by removal, death, resignation or otherwise, such vacancy shall be filled by appointment by the Executive Committee except and unless the vacancy was in a position that had been filled by the City, and in that event, the City shall determine how the vacancy shall be filled.

Section 3A-2-4. Executive Committee liaison. The Executive Committee shall appoint a member of the Executive Committee to act as a non-voting liaison member of the Commission to facilitate communication between the Commission and the Executive Committee.

Section 3A-2-5. Meetings. The Commission shall hold regular monthly meetings at a time and place to be established by the Commission. The Chairperson of the Commission may call special meetings at any time by giving 24 hours advanced notice to all other members including the Executive Committee liaison member. A quorum shall consist of five members.

Section 3A-2-6. Organization. The members of the Commission shall elect from among themselves one person to serve as Chairperson, one to serve as Vice-Chairperson and one to serve as Secretary. Each office is held for one year and the initial terms shall expire at the end of the first calendar year that the Commission is organized.

Section 3A-2-7. General authority. The Commission shall have the power and authority to superintend, manage and control the law enforcement agency established by the Tribe within the budget approved by the Executive Committee. The Commission shall have opportunity to review and provide input for the preparation of said budget annually. The Executive Committee through its treasurer is to be kept informed of all expenses and any financial obligations to be incurred which are not budgeted for cannot be incurred until approved by the Executive Committee.

Section 3A-2-8. Personnel authority. The Commission, with the approval of the Tribe and City, if applicable, shall have the authority to recruit and hire an appropriate individual to serve as the Chief of Police. The Chief of Police shall supervise the personnel of the police department.

This Title was enacted by the Executive Committee on the 21st day of December, 2000, by Resolution 00-51, dated 21st December, 2000.

Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

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RESOLUTION 00-51

WHEREAS, the Flandreau Santee Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act with a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24th, 1936, and amended February 7th, 1941, and further amended November 16th, 1967, and further amended November 14th, 1984, and further amended May 23rd, 1990, and further amended May 12th, 1997, and

WHEREAS, Article III, Section 1 of said revised Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee, and

WHEREAS, pursuant to Article VIII, Section 1 (f) of said revised Constitution and By-laws, the Executive Committee has authority to promulgate ordinances to establish agencies for law enforcement on the Reservation, and

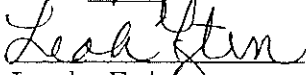
WHEREAS, the Executive Committee has determined that it is necessary for the safety and protection of the residents of the Reservation that an Ordinance be adopted governing law enforcement on the Reservation.

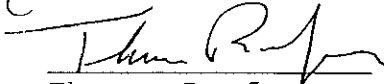
NOW THEREFORE BE IT RESOLVED, that the Executive Committee, pursuant to authority granted by Article VIII, Section 1 (f) of the Flandreau Santee Sioux Constitution, hereby enacts Title 3A, Law Enforcement, of the Flandreau Santee Sioux Law

and Order Code, which shall become effective and enforceable upon approval and certification of this Resolution.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 21st day of December, 2000, by the Executive Committee at which a quorum was present of 5 for 0 against, and 1 not voting. *T3 absent*


Leah Fyten
Tribal Secretary


Thomas Ranfranz
Tribal President

Flandreau Santee Sioux Tribe

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RESOLUTION NO. 18-28

- WHEREAS,** the Flandreau Santee Sioux Tribe (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to the Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, further amended November 16, 1967, further amended November 14, 1984, and further amended May 17, 1997; and
- WHEREAS,** Article III of the Tribe’s Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and
- WHEREAS,** Article VIII Section 1(e) of the Constitution vests the Executive Committee with the power to acquire, lease, or otherwise manage all lands or other assets, either real or personal, for the benefit of the Tribe as authorized by law except that where lands or assets are under the jurisdiction of the Federal government; and
- WHEREAS,** Article VIII Section 1(f) of the Constitution vests the Executive Committee with the power to promulgate and enforce ordinances governing and regulating the conduct of all persons on the reservation; and
- WHEREAS,** Article VIII Section 1(h) of the Constitution vests the Executive Committee with the power to adopt resolutions consistent with such Constitution and By-laws, regulating the procedure of the Executive Committee itself and of other tribal agencies, tribal officials or tribal organizations of the Tribe; and
- WHEREAS,** the Law and Order Code of the Flandreau Santee Sioux Tribe, Title 3A, Chapter 1, Section 3A-1-3 tasks the Executive Committee with establishing an adequate agency to provide law enforcement services on the Reservation; and
- WHEREAS,** in order to ensure law enforcement services on the Reservation are meeting the needs of the community, the Executive Committee created a public safety commission which is codified under Title 3A, Chapter 2; and
- WHEREAS,** the Executive Committee finds that sections of Title 3A, Chapter 2 are in need of an update to coincide with the practices of the current Public Safety Commission; and

NOW THEREFORE BE IT RESOLVED that the Flandreau Santee Sioux Tribe Executive Committee hereby deletes Title 3A, Chapter 2, sections 3A-2-1 through 3A-2-8 of the Tribal Law and Order Code and replaces with the following:

Section 3A-2-1. Authority. This Title, named “Public Safety Commission” is enacted by the Executive Committee of the Flandreau Santee Sioux Tribe in accordance with Article VIII, Section 1 (f) of the Flandreau Santee Sioux Constitution and By-laws. Amendments to the Title are completed pursuant to FSST T.L.O.C. Section 1-1-4.

Section 3A-2-2. Creation of the Public Safety Commission. There is hereby created and established in and for the Tribe, a “Flandreau Santee Sioux Tribe Public Safety Commission,” also referred to as the “Commission” under this Title.

Section 3A-2-3. Purpose. The purpose of the Commission is to advise the Executive Committee of community relations between FSST Law Enforcement and the Reservation community.

Section 3A-2-4. Bylaws. The Executive Committee shall draft and execute Bylaws of the Commission. In order to provide the Commission guidance, the Bylaws shall set forth the following:

- (1) Duties of the Flandreau Santee Sioux Tribe Public Safety Commission
- (2) Membership requirements

The Bylaws may include provisions in addition to those listed above, and the Executive Committee retains authority to amend the Bylaws.

Section 3A-2-5. Confidentiality. Members of the Commission are subject to the Privacy Act under Title 21, FSST TLOC. Confidential records and information related to the Commission may only be disclosed to other members of the Commission and to the Executive Committee. Information or records should be considered confidential if supplied in confidence, implicitly or explicitly, and would result in harm:

- (1) to a competitive or negotiating position;
- (2) to result in information no longer being supplied;
- (3) by impeding a present or future investigation;
- (4) by embarrassing a person or entity; or
- (5) by providing personal information.

“Records” include all documents, papers, letters, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to or in connection with the transaction of official business by the Commission.

BE IT FURTHER RESOLVED that these sections will become effective upon passage of this resolution, and shall remain law until a time in which they are changed by tribal resolution of the Executive Committee; and

BE IT FURTHER RESOLVED that the “Bylaws of the Flandreau Santee Sioux Tribe Public Safety Commission, enacted March 12, 2018,” are hereby adopted in accordance with the Law and Order Code of the Flandreau Santee Sioux Tribe, Title 3A, Chapter 1, Section 3A-2-4; and

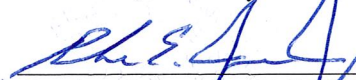
BE IT FURTHER RESOLVED that the Commission shall be composed of the following members, each with a four-year initial term: (1) William Gilbert, (2) Ronald “Nick” Gilbert, Jr., and (3) Kenneth Weston; and the following members, each with a two-year initial term: (4) Angeline Eastman, (5), Shelli Marshall and (6) Dustin Beaulieu (Alternate); and

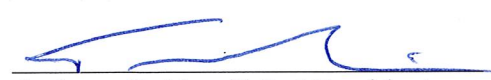
BE IT FINALLY RESOLVED that the Executive Committee hereby revokes any prior resolutions or other action pertaining to the public safety commission that are inconsistent with this Resolution.

CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 1st day of March, 2018, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 5 In Favor, 0 Opposed, 0 Abstaining, and 2 Not Voting, as follows:

Vice President, Andrew Weston:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Secretary, Gordon Jones, Jr.:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee I, Jean Paul Roy:	<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input checked="" type="radio"/> NOT PRESENT
Trustee II, David Kills-A-Hundred:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee III, Norman Kitto:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
Trustee IV, John Jason Armstrong:	<input checked="" type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT
President, Anthony Reider (If Required):	<input type="radio"/> YES	<input type="radio"/> NO	<input type="radio"/> ABSTAIN	<input type="radio"/> NOT PRESENT


Gordon Jones, Jr., Tribal Secretary


Anthony Reider, Tribal President

BYLAWS OF THE FLANDREAU SANTEE SIOUX TRIBE
PUBLIC SAFETY COMMISSION

Adopted May 1, 2018

ARTICLE 1. NAME

The name of the board is the FLANDREAU SANTEE SIOUX TRIBE PUBLIC SAFETY COMMISSION (the "COMMISSION").

ARTICLE 2. PURPOSE

Flandreau Santee Sioux Tribe Executive Resolution No. 17-74 tasks the COMMISSION with advising the Executive Committee of all public safety issues.

ARTICLE 3. DUTIES

- (1) The COMMISSION shall meet with members of the FSST community for the purpose of identifying potential community relation issues regarding law enforcement.
- (2) Thereafter, the COMMISSION will meet to formalize its findings and submit a report of such findings to the Executive Committee and tribal attorney(s).
- (3) The COMMISSION shall compile and keep a record of monthly summaries related to law enforcement and emergency management calls made within the Reservation.
- (4) The COMMISSION shall interview candidates and fill the Chief of Police position at the times an opening becomes available.

ARTICLE 4. LIMITS ON AUTHORITY

The COMMISSION has no authority to investigate or discipline members of law enforcement.

ARTICLE 5. MEMBERS

- (1) Membership shall consist of five (5) members and one (1) alternate member (the "Members").
- (2) Members are appointed by and serve at the pleasure of the Executive Committee.
- (3) All Members must be eighteen years of age or older and must reside within the borders of the Reservation.
- (4) No person may be a Member if employed by the tribe as a law enforcement officer or is the immediate family member of a tribally-employed law enforcement officer.
- (5) Upon appointment, every Member must submit to the same criminal background check which is provided to FSST employees.
 - a. No individual may be appointed as a Member if he or she is found guilty of, or entered a plea of nolo contendere or guilty to: any felonious offense, or any of

two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; crimes against persons; or offenses committed against children.

- b. After appointment to the COMMISSION, Members have an ongoing responsibility to self-report any new criminal charges to the Executive Committee.
- (6) Every Member must execute a confidentiality agreement and each is subject to the Tribe's Privacy Act.
- (7) Members must read and sign a copy of the current COMMISSION bylaws.
- (8) Members serve a term of four years.
- (9) Membership is staggered so that three Members join the COMMISSION every two years.
- (10) Members may serve consecutive terms. Members may be required to re-execute a confidentiality form and re-submit to a background check upon re-appointment.
- (11) An individual Member may not act in an official capacity except through the action of the COMMISSION.
- (12) A Member who seeks to resign from the COMMISSION shall submit a written resignation to the Chairperson and Executive Committee. If possible, the resignation should allow for a thirty-day notice so the Executive Committee can appoint a replacement.
- (13) Members who are absent from three consecutive meetings are deemed resigned unless the Executive Committee finds otherwise.

ARTICLE 6. OFFICERS

- (1) The officers of the COMMISSION shall consist of a Chairperson and a Secretary.
- (2) The Secretary may act as Chairperson in the event the Chairperson is absent from a meeting.
- (3) Any member other than the Chairperson may act as the Secretary in the event the Secretary is absent from a meeting.
- (4) Officers shall be elected annually by a majority vote of the COMMISSION at the first regular meeting after January 1st.
- (5) In the event a current officer becomes ineligible to serve as an officer, the board may hold an emergency election as needed.
- (6) A Member may not hold more than one office at a time.
- (7) The term of office shall be one year, beginning on the date of appointment. An officer may continue to serve until a successor is elected.
- (8) Officers may serve consecutive terms.

ARTICLE 7. DUTIES OF OFFICERS

- (1) The Chairperson shall preside at all public meetings, meetings with law enforcement, and internal meetings. (The Tribal Chairman shall preside at all meetings between the Executive Committee and the COMMISSION.) The

Chairperson shall direct the Secretary to add items to the agenda upon an affirmative vote of the COMMISSION.

- (2) The Secretary shall perform the duties of the Chairperson in his/her absence.
- (3) The Secretary shall:
 - a. keep COMMISSION records,
 - b. provide copies of the confidentiality agreement and bylaws to Members for signing,
 - c. provide complaint forms during open meetings with the public,
 - d. collect monthly summaries related to law enforcement and emergency management calls made within the Reservation for historical data collection purposes.

ARTICLE 8. AGENDAS

Items may be added to an agenda by any person who is directly affected by public safety issues within the borders of the Reservation, including the COMMISSION Members and Executive Committee. Although an item may be added to an agenda for discussion, the COMMISSION and Executive Committee have no duty to act on it.

ARTICLE 9. MEETINGS

The COMMISSION shall strive to meet at least once per month. Meetings include open, internal, and presentation meetings.

- (1) Whenever applicable, meetings shall be governed by Robert's Rules of Order.
- (2) The COMMISSION Chairperson may limit any speaker to three minutes.
- (3) The COMMISSION Secretary shall prepare meeting minutes. The minutes must include each item raised, the vote of each member on those items, along with an indication whether a Member is absent from a meeting or failed to vote on an item.
- (4) Closed meetings. The COMMISSION or Executive Committee may invite individuals to a closed meeting as deemed helpful. An invitee will join the meeting upon the commencement of the relevant agenda items for which the person was invited to discuss. Persons that are invited to attend a closed meeting shall be informed by the Secretary of the COMMISSION or Tribal Prosecutor specifically which agenda item(s) the individual was invited to discuss. At the conclusion of discussion of those agenda items, the individual will be dismissed so that the rest of the meeting can resume in a closed setting. Invitees may be asked to sign confidentiality agreements prior to attending a meeting.
- (5) Quorum. A quorum of the COMMISSION is reached when three of the five Members vote. In the event of a tie, the matter is deemed defeated.
- (6) The Chairperson of the COMMITTEE has the same voting authority as all other Members.
- (7) The Executive Committee reserves final approval over all COMMISSION activities.

OPEN MEETINGS. Indians residing within the Reservation and members of their households are invited to attend open meetings. The COMMISSION will provide reasonable notice to the community prior to each open meeting. At the open meetings, individuals will have the opportunity to provide the COMMISSION with feedback regarding tribal law enforcement and other aspects of public safety. The COMMISSION shall provide forms for any person who desires to submit a formal complaint. The prior month's law enforcement summary report will be made available to the community at each open meeting. The COMMISSION may present topics to the community relevant to public safety. The COMMISSION may, at times, hold special meetings open to targeted community members such as the youth or elderly.

INTERNAL MEETINGS. The COMMISSION shall meet to discuss agenda items and vote on official COMMISSION actions. The COMMISSION is tasked with selecting important highlights from the open and internal meetings and making unbiased findings and recommendations. Internal meetings are closed. No person other than the Members, Executive Committee, and tribal attorneys may attend an internal meeting unless that person's presence is requested by the COMMISSION or Executive Committee.

PRESENTATION MEETING. The Secretary of the COMMISSION shall present the highlights of public and internal minutes to the Executive Committee in a closed meeting. No person other than the Members, Executive Committee, and tribal attorneys may attend the presentation meeting unless that person's presence is requested by the COMMISSION or Executive Committee. When presenting the meeting minutes, the COMMISSION shall provide the Executive Committee with its findings and recommendations.

ARTICLE 10. FINDINGS AND RECOMMENDATIONS

Highlights of agenda items must be presented to the Executive Committee with a finding and recommendation. A "finding" is the COMMISSION's impression of the facts for the agenda item at issue. Findings may include how Members perceive the issue in its relevance, accuracy, urgency, or any other factor which assists the Executive Committee to act on the issue. Recommendations on agenda items may include, but are not limited to, budgeting, training or educating law enforcement, training or educating the community, or complaints regarding law enforcement conduct.

ARTICLE 11. CONFLICTS OF INTEREST

If a Member feels biased toward an agenda item, or has a conflict of interest regarding an agenda item, he or she may participate in discussion but must abstain from voting on that item.

ARTICLE 12. FINANCE AND BUDGET

The Executive Committee sets forth the funding and budget for the COMMISSION although the COMMISSION may make recommendations regarding these. The annual budget is due for

approval by May 1. A Capital Expense Request shall be submitted to the Executive Committee for costs outside of the budget and for costs greater than one thousand dollars.

Compensation. Members may be compensated for serving on the COMMISSION. If no compensation has been set forth by the Executive Committee, Members shall serve on a volunteer basis.

Training. For every paid training opportunity, Members are expected to participate fully and be prepared to meaningfully convey the training to the tribal community, the Executive Committee, and law enforcement.

[End of Document. Signature page follows on Page 6 of 6.]

I HAVE BEEN PROVIDED A COPY OF THE BYLAWS OF THE
FLANDREAU SANTEE SIOUX TRIBE PUBLIC SAFETY COMMISSION,
ADOPTED MAY 1, 2018. I READ AND UNDERSTAND THE BYLAWS AND
AGREE TO COMPLY WITH THE PROVISIONS:

Signature: _____

Date: _____

Printed Name: _____