



**HO-CHUNK NATION CODE (HCC)
TITLE 1 – ESTABLISHMENT ACTS
SECTION 17 – POLICE DEPARTMENT ADVISORY BOARD
ESTABLISHMENT ACT**

ENACTED BY LEGISLATURE: MAY 5, 2015

CITE AS: 1 HCC § 17

1. **Authority.**

a. Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation (“Constitution”) grants the Legislature the power to make laws, including codes, acts, resolutions, and statutes.

b. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, permit, or otherwise deal with the Nation’s lands, interests in lands or other assets.

c. Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation.

d. Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

g. Article V, Section 2(u) of the Constitution grants the Legislature the power to enact laws to regulate domestic relations of persons within the jurisdiction of the Nation.

h. Article V, Section 2(u) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers.

2. **Purpose.** This Code establishes the Police Department Advisory Board, which shall serve to advise the Ho-Chunk Nation Police Chief and the Attorney General on Police Department matters.

Legislative Office

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3. **Powers and Duties of the Police Advisory Board.** The Police Department Advisory Board shall:

- a. Serve as an advisory board to the Ho-Chunk Nation Chief of Police including advising and assisting in needs management for the department.
- b. Provide recommendations and approve all policies and procedures for the Ho-Chunk Police Department.
- c. May assist and provide the Attorney General with hiring recommendations Chief of Police
- d. Provide recommendations to the Attorney General for an interim Chief of Police, when the position is vacant and before a permanent Chief of Police is hired.
- e. Investigate any formal complaints under applicable Ho-Chunk Nation Law and Policy against the Chief of Police and issue a recommendation to the Attorney General regarding any appropriate discipline if necessary;
- f. Assist the Attorney General and the Chief of Police in determining disciplinary actions for officers.
- g. The Police Advisory Board shall meet no less than quarterly. The Board shall be subject to all applicable Ho-Chunk Nation Law.

4. **Composition.** The Police Department Advisory Board shall consist of five (5) members with two-thirds (2/3) of the members being enrolled Ho-Chunk members. Three (3) Board members will constitute a quorum.

5. **Qualifications.** A board member must meet the following criteria to be considered for appointment:

- a. Current law enforcement officer with at least three (3) years' experience or a former law enforcement officer with at least three (3) years' experience. Any former law enforcement officer considered for a board position must provide proof that he/she left their previous employment in good standing.
- b. At least thirty (30) years of age.
- c. A satisfactory background investigation shall be required. Any felony conviction would prohibit any person from serving on the Board unless waived by the Legislature when the person has demonstrated and shown that his/her prior activities do not pose a threat to the credibility and integrity of the Board.
- d. Not an employee of the Police Department.

e. Not an immediate family member of the Attorney General, an attorney from the Department of Justice, or the Police Department.

6. **Appointment.** Each board member shall be nominated by the President and confirmed by the Legislature by resolution. The President shall select board members based on their qualifications and after each candidate has submitted a written request for appointment and a resume. Each Board member shall serve a three (3) year term.

a. The five (5) Committee members shall be initially appointed by the Legislature in accordance with the following.

(1) One (1) of the appointed Committee members shall serve a one-year term.

(2) Two (2) of the appointed Committee members shall serve two-year terms.

(3) Two (2) of the appointed Committee members shall serve three-year terms.

(4) The Legislature shall signal the length of each initial Committee member's term at the time of appointment.

(5) After the initial appointments, the Legislature shall appoint Committee members to three-year terms.

7. **Grounds for Removal.** Members of the Police Advisory Board are subject to the following grounds for removal:

a. Non-attendance at two consecutive duly called for meetings.

b. Non-participation as required to facilitate the duties of the Board.

c. No longer meet the qualifications required of a Police Advisory Board Member.

d. Violation of the Nation's *Drug, Alcohol and Controlled Substance Policy*, 6 HCC § 5.

8. **Removal Procedure.** Removal Procedure for Police Advisory Board Members:

a. The Police Advisory Board, upon a valid motion of the Board to remove a Board member, and the Attorney General each possesses independent authority to recommend to the Legislature the removal of a Police Advisory Board member.

b. The Legislature shall remove a Police Advisory Board member by resolution

Legislative History

- 12.17.13 Legislature establishes a Criminal Code Workgroup by Resolution 12.17.13C.
- 03.17.15 The Police Department Advisory Board Establishment Act is placed out for 45 Day Public Comment by Resolution 03.17.15M.
- 05.05.15 Legislature adopts the Police Department Advisory Board Establishment Act by Resolution 05.05.15L.
- 02.07.17 Legislature adopts Resolution 02.07.17W placing all Establishment and Organization Acts out for Forty-Five Day Public Comment.