

SAINT REGIS MOHAWK TRIBE  
POLICE COMMISSION ACT OF 2014  
PUBLIC NOTICE

The Saint Regis Mohawk Tribal Council, with the assistance of both current and former Police Commission members, and outside consultant, and its legal department have drafted proposed Amendments to the “Act Relating to Police Commission”, TCA 94-G.

The purpose of Amending TCA 94-G is to better reflect the current police department, and to ensure that the Police Commission remains an independent oversight body for the Chief of Police, Officers and Employees of the Saint Regis Mohawk Tribal Police Department. The Act reflects the requirements of the New York State Law authorizing the exercise of arrest authority; however, specifically states the importance the Tribe’s ***goals of self-sufficiency and sovereignty through the enforcement of Tribal laws, regulations and ordinances.***

The Amendments are also intended to create a more open and transparent Commission, responsive to the growing and changing needs of the Saint Regis Mohawk Tribal community. To that end, the Amendments set out the specific roles and responsibilities of the Police Department, the Chief of Police, the Police Commission and the Saint Regis Mohawk Tribal Council. It allows for independent oversight of the Police Department operations, while respecting the Tribal Council’s responsibility and authority to determine the scope of relationships with outside law enforcement entities.

The proposed Amendments have been presented at public meetings, was presented at a final public meeting on January 8, 2014, at 6:00 PM, in the Community Building. No additional public comments were received. This is the final public notice, after which the Amendments shall be adopted by Tribal Council Resolution, at Council’s weekly Work Session on or about, Tuesday, March 4, 2014.

Below are the major revisions to TCA 94-G:

**Purpose Section:** The Purpose Section was completely rewritten to address the questions raised regarding supervision and oversight over the Tribal Police Department. It also establishes certain goals, identified by Tribal Council and the community, including:

- 1) The importance of implementation and enforcement of Tribal law.
- 2) Providing responsive, effective policing.
- 3) Providing an accessible complaint process.
- 4) Addressing police misconduct and avoid such conduct by adequate training.

**Definitions Section:** Expanded to include additional concepts requiring definitions, including Conflict of Interest, the New York State law governing certification, relative, for the purpose of identifying potential conflicts, and sharing of power agreements.

**Source of Authority:** Was changed to more properly identify the sovereign authority to govern as the authority to create the Commission.

**Scope of Authority:** More clearly defines the specific scope of the Commission’s authority.

**Composition of Police Commission**—sets forth specific criteria for the appointment of commissioners, including public posting of the openings, and guidelines for appointing Commission members, expands the terms to 5 years (from 3).

**Removal:** Outlines the specific bases for removal of a Commissioner. Commission makes recommendation, Tribal Council will make the final decision.

**Duties of Commission:** Clarifies the role of the Commission in the supervision of the Tribal Police department, including hiring, promotions and terminations, development of rules and regulations of the department, develop hiring standards, incorporates the requirements of Section 144, in the certification process. It also sets forward specific review, and participation, with final approval of Tribal Council, of all agreements with outside agencies. The Commission will also review all complaints against the Police Department, use of force incidents, and will make the complaint process accessible. The Commission is required to identify areas requiring additional training.

The Commission is required to have monthly meetings, develop programs aimed at interaction and education of the community, about the police department.

The Commission must conduct a yearly evaluation of the police chief and police department, must provide a monthly statistical report to the Tribal Council and ensure that leadership training is provided to officers.

**Appointment, Supervision, Discipline of Chief of Police:** Added an entire section of the Chief of Police, requirements, and disciplinary actions regarding the Chief. Current law contains no minimum qualifications for Chief.

**Grievances by Officers and Personnel:** Added a section that would allow officers and employees of the Department to bring their grievances forward. Clarifies the role of the Tribal Human Resources Department in investigating complaints by officers and employees.

**Complaints from the Public:** Specifically outlines the complaint process, and what the public can expect in response. Also includes the requirements of NY certification that complaints are investigated internally, but that the Superintendent of State Police also receives a copy.

**Disciplinary Hearing Procedures:** Clarifies the hearing procedures, in the event that formal disciplinary charges must be taken against an officer.

**Non-Tribal Law Enforcement Agencies:** Clarifies that it is the Tribal Council, not the Police Department or Commission that must ultimately enter into any type of sharing of power, mutual aid arrangements, cross deputation agreements with any non tribal law enforcement agencies and that both Tribal Council and the Commission must participate in any meetings discussing such agreements.