

OCTOBER 2009, CROW TRIBAL LEGISLATURE

BILL NO. CLB09-09

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED "AN ACT TO ESTABLISH A CROW TRIBAL
DRUG ENFORCEMENT DIVISION"**

WHEREAS, law enforcement officers on the Crow Indian Reservation function within a complicated jurisdictional net, answer to multiple authorities, operate with limited resources, and patrol some of the most desolate of territory often without assistance from partner law enforcement agencies; and

WHEREAS, the Bureau of Indian Affairs Law Enforcement Services does not staff the Crow Agency unit with sufficient officers to ensure the safety and welfare of all the citizens and residents of the Crow Indian Reservation; and

WHEREAS, the high volume of incidents requiring law enforcement attention, limited resources and shortage of personnel in the general law enforcement agency on the Crow Indian Reservation have all contributed to the growth of drug distribution and drug abuse on the Crow Indian Reservation; and

WHEREAS, a wide variety of drugs are abused by citizens of the of the Crow Indian Reservation, including illegal and prescription drugs; and

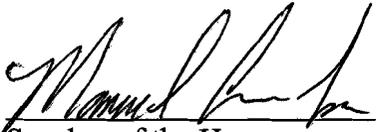
WHEREAS, the Crow Tribe, as a sovereign nation, has the power, duty and responsibility to ensure the safety of its citizens and enforcement of its laws;

NOW THEREFORE BE IT ENACTED THAT, the Crow Law and Order Code be amended to include the attached provisions at 8F, Department of Public Safety, and that the attached provisions be codified accordingly.

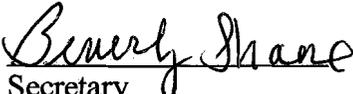
FURTHER BE IT ENACTED, that upon passage of these proposed amendments, these amendments will be codified as Title 8F of the Criminal Code.

CERTIFICATION

I hereby certify that this Crow Legislative Bill was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 16th day of October, 2009.


Speaker of the House
Legislative Branch, Crow Tribe

Attest:


Secretary
Legislative Branch, Crow Tribe



EXECUTIVE ACTION

I hereby X (approve), _____ (veto) this Legislative Bill pursuant to the Authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.

Dated this 28 day of October, 2009.


Cedric Black Eagle, Chairman
Executive Branch, Crow Tribe

"AN ACT TO ESTABLISH A CROW TRIBAL DRUG ENFORCEMENT DIVISION"

Bill or Resolution Number: CLB09-09 Introduced by: Executive Branch Date of Vote: 1./16/2009

<u>Representative:</u>	Yes	No	Abstained
B. House	<u> X </u>	<u> </u>	<u> </u>
E. Fighter, Sr.	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
L. Hogan, Jr.	<u> X </u>	<u> </u>	<u> </u>
S. Fitzpatrick, Jr.	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. Plain Bull, Sr.	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
O. Costa	<u> X </u>	<u> </u>	<u> </u>
J. Stone, Sr.	<u> </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
B. Shane <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

Not Passed

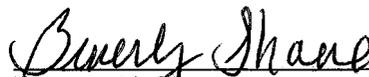
Tabled

Veto-Override



Manuel Covers Up, Sr.
Speaker of the House

Date



Beverly M. Shane
Secretary of the House

Date

Title 8F, Department of Public Safety

Part I. Crow Tribe Department of Public Safety

1. There is hereby established a Crow Tribe Department of Public Safety, with the responsibility and duty to:
 - a. provide the highest quality of local law enforcement to improve the quality of life and afford a safe and secure environment within the Crow Indian Reservation pursuant to the provisions of the Constitution of the Crow Tribe of Indians of 2001, and other applicable laws.
 - b. enforce the general criminal provisions of the Crow Law and Order Code as set forth in Title 8(B), Crow Criminal Code, as amended; Title 8(C), Traffic, as amended; Title 8(D), Sex Offender Registration; Title 9, Juvenile Code, as amended; Title 12, Fish and Game Code, as amended; and any other criminal laws duly enacted by the Crow Tribe.
 - c. enforce civil regulatory laws of the Crow Law and Order Code as set forth in the Crow Law and Order Code, including but not limited to Title 12, Fish and Game Code and Title 8C, Traffic.
 - d. act in conformity with 8(A), Crow Tribe Criminal Procedure, and any other applicable provision of tribal or federal law.
2. The Director of the Department of Public Safety shall be a cabinet level official, appointed directly by the Chairman of the Executive Branch of the Crow Tribe and confirmed by the Legislative Branch.
3. To be eligible to be appointed and serve as Director of Crow Tribe Department of Public Safety, an individual must have prior law enforcement experience, have completed a full professional background check by an outside agency, which shall be fully adjudicated prior to assuming lawful duties, and which must certify that the person:
 - (a) Has not been convicted of Driving While Impaired or Driving Under the Influence of Drugs or Alcohol within the past ten years;
 - (b) Has never been convicted of;
 1. a felony,
 2. domestic violence as defined in the Brady Law,
 3. a misdemeanor involving a crime of moral turpitude;
 - (c) Has at least a High School Diploma or G.E.D.;
 - (d) Has not been dishonorably discharged from any branch of the Armed Services;

- (e) Preference in employment shall be given to veterans and certified Law Enforcement Officers;
- (f) Applicant must pass a pre-employment drug screening test;
- (g) Applicant must be certifiable with a handgun and be re-certifiable on a bi-annual basis;
- (h) Applicant must be at least 21 years of age or older when hired;
- (i) Applicant must be familiar with the Crow Tribal Drug Enforcement Division policies and procedures, Crow Law and Order Code, and traffic code provisions;

4. The Department of Public Safety shall provide for clerical help, for the maintenance of investigations, and for the employment and supervision of the investigations in conformity with the provisions of this Ordinance.

5. The Department of Public Safety shall have authority to destroy, sell, or dispose of any and all obsolete equipment, uniforms, or parts of obsolete equipment or uniforms. Any money received from the sale of these items must be deposited into the crow tribal general fund to the credit of the accounting entity for which it was originally purchased.

Part II. Crow Tribal Drug Enforcement Division

1. There is hereby created a "Crow Tribal Drug Enforcement Division", under the control and supervision of the Director of Public Safety or his designee. The Division shall consist of no more than six investigators, one lead officer, and one director.

2. The Department of Public Safety shall make, promulgate, and amend the policies and procedures for the Crow Tribal Drug Enforcement Division.

3. The Department of Public Safety shall furnish the investigators with necessary equipment to achieve the initiatives of the Crow Tribal Drug Enforcement Division. The department shall furnish all investigators with the equipment necessary for the performance of their respective duties, with the approval of the Director of Public Safety. Any such equipment and uniforms shall remain the property of the Crow Tribe.

4. The Crow Tribal Drug Enforcement Division Investigators may make arrests under the following circumstances:

- (a) the offense is committed in the presence of any officer or investigator;
- (b) the offense is committed in a rural district and a request for assistance is made by a peace officer; or
- (c) pursuant to a valid arrest warrant issued by a court of competent jurisdiction.

5. Crow Tribal Drug Enforcement Division Investigators may make arrests for any criminal offense under the Crow Law and Order Code, Title 8 (a) (b) (c) (d) (e), Title 10, and Title 12, and may issue citations pursuant to any provision of the Crow Law and Order Code.

6. To be eligible to be hired and serve as a Crow Tribal Drug Enforcement Division Investigator, all applicants must have completed a full professional background check by an outside agency, which shall be fully adjudicated prior to assuming lawful duties, and which must certify that the person;

(a) Has not been convicted of Driving While Impaired or Driving Under the Influence of Drugs or Alcohol within the past ten years;

(b) Has never been convicted of;

1. a felony,

2. domestic violence as defined in the Brady Law,

3. a misdemeanor involving a crime of moral turpitude;

(c) Has at least a High School Diploma or G.E.D.;

(d) Has not been dishonorably discharged from any branch of the Armed Services.

(e) Preference in employment shall be given to veterans and certified Law Enforcement Officers;

(f) Applicant must pass a pre-employment drug screening test;

(g) Applicant must be certifiable with a handgun and be re-certifiable on a bi-annual basis;

(h) Applicant must be at least 21 years of age or older when hired;

(i) Applicant must be familiar with the Crow Tribal Drug Enforcement Division policies and procedures, and Crow Law and Order Code provisions;

(j) Applicant must complete basic police academy training and certification, prior to assuming Crow Tribal Drug Enforcement Division Investigation duties and shall complete subsequent annual training and certification as required;

(k) Satisfactory documentation of previous employment history.

(l) Investigators shall complete drug investigator school certification within three years from date of hire.

7. Duty of the Investigator upon making arrest. Upon making an arrest, the Investigator shall;
 - (a) transport the offender to the Crow Tribal Detention Center or Jail;
 - (b) give the offender a summons describing the nature of the offense with instructions for the offender to report to the Crow Tribal Courts; and
 - (c) file a full report with the Tribal Prosecutor and any other applicable prosecuting authority, and follow all procedures for protecting evidence seized pursuant to any investigation and/or arrest.

8. The Director of Public Safety shall have ultimate responsibility for and command over the Crow Tribal Drug Enforcement Division. The Director of Public Safety may appoint any of its members to be responsible for the Crow Tribal Drug Enforcement Division business and such members shall keep themselves informed regarding Crow Tribal Drug Enforcement Division matters and report thereon to the Director of Public Safety. The Director of Public Safety shall appoint a Crow Tribal Drug Enforcement Division Lead Investigator upon such terms and conditions of employment as they shall direct. The Director of Public Safety shall establish such ranks and appoint Investigators thereto within the Crow Tribal Drug Enforcement Division as are deemed necessary.

9. The Director of Public Safety shall coordinate the Crow Tribal Drug Enforcement Division activities on the Reservation. The Director of Public Safety shall meet with the Chairman of the Executive Branch, Chief of Police of the Crow Tribe and Tribal Prosecutor on a quarterly basis to discuss the Crow Tribal Drug Enforcement Division business and make recommendations for improving the efficiency of the program.

10. There shall be appointed a Lead Investigator for the Crow Tribal Drug Enforcement Division. The duties of the Lead Investigator shall be as follows:
 - (a) To be responsible for and have charge over all Crow Tribal Drug Enforcement Division functions on the Reservation.
 - (b) To be in command of all Crow Tribal Drug Enforcement Division Investigators and employees.
 - (c) To instruct, train and advise Crow Tribal Drug Enforcement Division Investigators in the functions, duties and responsibilities of the Investigators for the efficient maintenance of law and order on the Reservation.
 - (d) To report to the Director of Public Safety on Crow Tribal Drug Enforcement Division activities.
 - (e) To recommend to the Director of Public Safety persons for appointment to and dismissal from the Crow Tribal Drug Enforcement Division.
 - (f) To adopt reasonable policies and procedures for the Crow Tribal Drug Enforcement Division Investigators to serve as a standard of conduct.

(g) To insure cooperation with other law enforcement agencies.

(h) To do such other law enforcement related activities as the Director of Public Safety shall direct.

(i) To designate an acting Lead Investigator to serve in his/her absence.

(j) Within two years of the assumption of duties, the lead investigator shall complete criminal investigation school training including drug investigation techniques and shall keep all certifications up to date.

11. The duties of the Crow Tribal Drug Enforcement Division Investigator shall be:

(a) To obey promptly all orders of the Director of Public Safety, ranking investigators or judge of the Crow Tribal Court when assigned to Court duty;

(b) To report and investigate all violations of any law or regulation coming to his/her attention;

(c) To arrest all persons for violations of the laws and regulations when sufficient grounds for arrest exist;

(d) To lend assistance to other law enforcement agencies;

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

(f) To inform him/herself as to the Tribal Law and Order Code and all other laws and regulations applicable to the Reservation and to attend such training sessions as the Director of Public Safety or Lead Investigator 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 or the excessive use of alcohol and to refrain from engaging in any act which would reflect discredit on the Tribe or the Crow Tribal Drug Enforcement Division;

(j) To refrain from the use of profane, vulgar, insolent or offensive language;

(k) To report to his/her superior Investigators all deaths or accidents of a serious nature or other events or impending events of importance;

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

(m) To obey all regulations which the Director of Public Safety shall adopt.

12. A Crow Tribal Drug Enforcement Division Investigator can be suspended or dismissed for non-compliance with the provisions of this code or other violations of regulations or neglect of duty.

13. A Crow Tribal Drug Enforcement Division Investigator may be deputized by another jurisdiction to aid in the effective law enforcement on the Reservation. Law Enforcement Officers and other law enforcement or security related personnel from other jurisdictions or other departments or enterprises of the Tribe may be deputized to aid in the enforcement of this Law and Order Code.

14. It shall be the goal of the Crow Tribal Drug Enforcement Division to attract and retain experienced professional police personnel. To this end the Director of Public Safety and the Lead Investigator shall establish minimum standards of training which all investigators will be required to meet. Further, the Director of Public Safety and/or Lead Investigator shall explore, schedule and arrange periodic training and retraining programs for the Crow Tribal Drug Enforcement Division Investigators from all available sources. Such programs shall stress not only basic investigative procedures and techniques but shall also deal with crime prevention, community and public relations, and other appropriate topics.

15. This ordinance shall become effective immediately upon passage by the Crow Tribal Legislative Branch and signature by the Crow Tribal Chairman. Investigators of the Crow Tribal Drug Enforcement Division may begin exercising official duties upon successful completion of all the requirements for the Crow Tribal Drug Enforcement Division Investigators and shall establish working relationships between surrounding agencies that will enable the Crow Tribal Drug Enforcement Division to exercise its delegated authority under this Ordinance in a responsible and legal manner.

16. Crow Drug Enforcement Division Investigators and other personnel are not under the supervision of the Bureau of Indian Affairs Law Enforcement Services, and any actions taken by such officers are not the responsibility of the Bureau of Indian Affairs Law Enforcement Services unless the officers are acting under the supervision of and such liability is acknowledged and accepted by the Bureau of Indian Affairs Law Enforcement Services.

17. The Drug Enforcement Division shall be fully authorized to assume duties upon completion of duly approved standard operating procedures manual.



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue
Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238 Fax: (406) 638-2030

Legislative Branch

Prvor:

Arrow Creek

Larry Plain Bull, Sr.
Oliver Costa
Carlson Goes Ahead

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Marlin D. Not Afraid
Pat Alden, Jr.

Dunmore:

Black Lodge

Bruce R. House
Ertis Fighter, Sr.
Conrad J. Stewart

Reno:

Center Lodge

Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Oliver Half, Jr.

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr.
Speaker of the House
Rudolph K. Old Crow
Woodrow Plainfeather

Wyola:

Mighty Few

Beverly M. Shane
Secretary of the House
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith,
Administrative Officer

William Old Crow
Finance Officer/Admin.
Assist.

Sheri Chandler
Office Assist./Receptionist

Sheila Wilkinson
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

Ronald Arneson, Esq.,
Attorney At Law

OFFICIAL CERTIFICATE OF DELIVERY

I, Beverly M. Shane, Secretary of the Legislative Branch of the Crow Tribal Government hereby this Transitional Action do deliver a True and Correct Official copy Of the Final Approval for the following Bill:

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
EXECUTIVE BRANCH**

A BILL FOR ACT ENTITLED:

“AN ACT TO ESTABLISH A CROW TRIBAL DRUG ENFORCEMENT DIVISIONS”

No. CLB09-09 to honi. Pretty Paint in the
Position of: _____ for the

Crow Tribal Executive Branch.

Done and dated this 23 day of Oct, 2009 @ 3:55 a.m./p.m.

Beverly M. Shane
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:

Legislative Branch Staff

Cc: file

