

ROSEBUD SIOUX TRIBE
ORDINANCE NO. 91-05

POLICY FOR ISSUANCE OF TRIBAL COMMISSIONS

1. APPLICATION: In order to receive a tribal commission (attached as Form 2), an applicant must fill out and submit a notarized form (attached as Form 1) which is available from the Administrator of the reservation court who shall forward the documents to the issuing authority.
2. ISSUING AUTHORITY: Tribal commissions shall be issued by:
 - a) the application goes to the Tribal Court (chief judge or associate judge in his/her absence) for review and recommendation.
 - b) then to the Judiciary Committee for review and recommendation.
 - c) and finally to the Tribal President for approval and issuance.
3. SIGNATURE: After approval by the issuing authority, each tribal commission shall also be signed by the President of the Rosebud Sioux Tribe, or the Vice-President in his/her absence, and the Chief Judge/Court Administrator.
4. REVIEW AND DENIALS: The Tribal Council reserves the right to review tribal commissions issued, denied or revoked for cause by the issuing authority in accordance with the Tribal Law and Order Code, and any applicant who has been denied a tribal commission or person who has had his/her commission revoked, may present further evidence to the Judiciary Committee for reconsideration.
5. TERMS: A tribal commission shall be issued as either TEMPORARY or PERMANENT. Temporary shall mean a period not to exceed six months. Permanent shall mean a period not to exceed two years. Commissions shall expire upon termination of employment and they shall be surrendered at that time.
6. CLASSES: A tribal commission shall bear a picture of the carrier and shall identify the class of duty for which the commission is required. The class of duty shall be designated as one of these:
 - a) Police Officer
 - b) Security Guard
 - c) Probation Officer
 - d) Process Server
 - e) Fish & Game Warden

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7. AUTHORITY: Each classification of tribal commissions shall entitle the person commissioned to the following authority:

Class A. Police Officers:

- a) carry a firearm, nightstick;
- b) arrest persons pursuant to warrant;
- c) arrest persons without a warrant under circumstances described by the RST Law and Order Code;
- d) conduct a search of persons and/or property pursuant to a duly issued warrant;
- e) conduct a search of persons and/or property without a warrant under certain circumstances described by the RST Law and Order Code;
- f) detain persons upon probable cause;
- g) seize property, with or without a warrant, considering all the circumstances, and in accordance with the RST Law and Order Code;
- h) take into custody any minor upon order of the court;
- i) administer or request administration of certain chemical tests for drivers suspected of being under the influence of alcohol or drugs;
- j) serve subpoenas, summons, complaints or other compulsory process required by the court;

Class B. Security Guard:

- a) May be granted a Class A commission upon a showing of proper training;
- b) No other commission shall be issued for this class;

Class C. Probation Officer:

- a) Upon issuance of warrant, search home for a minor child;
- b) Take a minor into custody, pursuant to RST Law and Order Code;
- c) Transport a minor as directed by the Court;
- d) Serve subpoenas and other legal documents as directed by the court.

Class D. Process Server:

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- a) Serve subpoenas, summons, complaints and other legal process directed by the Court or authorized by the Tribal Law and Order Code.

Class E. Fish and Game Warden:

- a) carry a firearm.
- b) Issue citations and/or make arrests and bring before the proper court any persons violating the provisions of the Tribal Game, Fish and Parks Code;
- c) search without warrant any conveyance, vehicle, game bag, game basket, game coat or any receptacle for game animals, etc., described in the Tribal Game, Fish and Parks Code;
- d) Seize without warrant, upon probable cause, all birds, animals, or parts thereof taken, killed, transported, or possessed contrary to tribal law and regulations.
8. TRAINING: No person shall be issued a Class A or E tribal commission without first having satisfied the issuing authority that they have been fully trained to carry and use firearms and have been further trained in the enumerated police officers procedures.
9. LIMITATIONS: No person shall be issued a tribal commission unless it is classified. Such classification shall not grant authority in excess of that which is necessary for the performance of the person's duty as set out in the specific job description.
10. MUST BE CARRIED: Unless otherwise specified by the RST Law and Order Code, the penalty for not carrying a tribal commission shall be a Class A or other crime for tribal members as prescribed in Title 5, Chapter 16, Section 8, "Impersonating an Officer or Public Servant" and for non-tribal members, exclusion from the restricted lands of the Rosebud Sioux Reservation as prescribed in Title 8, Chapter 10, "Removal of Non-Members".
11. ETHICS: Any person issuing a tribal commission in violation of this policy shall be subject to the Tribal Code of Ethics cited in Article II of the By-Laws of the Rosebud Sioux Tribe Constitution.
12. FEE: \$5.00 fee will be charged for possessing a tribal commission.

BE IT FURTHER RESOLVED, that the policy in this resolution rescinds and replaces any previous verbal or written policy on the issuance of tribal commissions; and

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BE IT FURTHER RESOLVED, that if any section of this policy should be declared unconstitutional, the remaining sections shall be valid until properly rescinded or amended by the Tribal Council; and

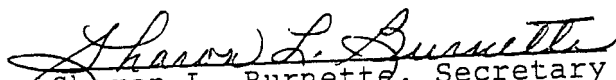
BE IT FURTHER RESOLVED, that the forms for application and issuance of tribal commissions shall be attached as part of this resolution; and

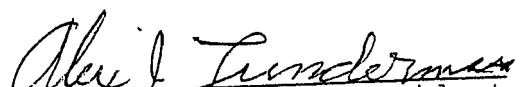
BE IT FURTHER RESOLVED, that this resolution shall be published within ten (10) days of its approval, in the newspaper officially designated by the Tribal Council, and the policy therein shall take effect on May 1, 1989.

CERTIFICATION

This is to certify that the above Ordinance No. 91-05 was duly passed by the Rosebud Sioux Tribal Council in session for a First Reading on September 12, 1991 by a vote count of ten (10) in favor, zero (0) opposed and one (1) not voting. A Second Reading was duly held on October 09, 1991 and approved by a vote of eight (8) in favor, zero (0) opposed and one (1) not voting. The said Resolution No. 89-43 introducing Ordinance No. 91-05 was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Sharon L. Burnette, Secretary
Rosebud Sioux Tribe


Alex Lundreman, President
Rosebud Sioux Tribe

FORM 1

APPLICATION FOR A ROSEBUD SIOUX TRIBAL COMMISSION

REQUESTING AGENCY/ENTITY: _____
 ADDRESS: _____
 TELEPHONE: _____

NECESSITY FOR A TRIBAL COMMISSION: _____

DESCRIBE THE KIND OF LIABILITY COVERAGE WHICH THE REQUESTING AGENCY/
 ENTITY HAS FOR ITS EMPLOYEES: _____

RECORDS ON FILE SHOW THAT THE APPLICANT HAS NOT BEEN CONVICTED FOR A
 TRIBAL OR FEDERAL FELONY. YES _____ NO _____

APPLICANT'S NAME: _____ DOB: _____
 SOCIAL SECURITY #: _____ POSITION: _____
 PHONE AT WHICH CAN BE REACHED: _____

TIME COMMISSION IS REQUIRED: FROM _____ TO _____

TYPE OF DUTY FOR WHICH COMMISSION IS REQUIRED:

POLICE OFFICER: _____ PROCESS SERVER: _____
 SECURITY GUARD: _____ FISH & GAME WARDEN: _____
 PROBATION OFFICER: _____

NEED TO CARRY WEAPON. IF SO, WHAT KIND: (If required, copy of tribal
 license is attached.) REVOLVER: _____ RIFLE: _____ OTHER: _____

SECTION OF TRIBAL LAW & ORDER CODE OR TRIBAL ORDINANCE TO BE ENFORCED:

ALL OF THE CODE: _____	PROBATE/GUARDIANSHIP: _____
CRIMINAL CODE: _____	DOMESTIC RELATIONS: _____
JUVENILE CODE: _____	GAME, FISH & PARKS: _____
CIVIL CODE: _____	LIQUOR ORDINANCE: _____
TRAFFIC CODE: _____	GAMING ORDINANCE: _____
TRIBAL TAX CODE: _____	OTHER: _____

DESCRIBE APPLICANT'S QUALIFICATIONS/TRAINING/EXPERIENCE TO HOLD THE
 CLASS OF COMMISSION FOR WHICH APPLIED (Attach certification of train-
 ing): _____

SIGNATURE OF REQUESTING AGENCY/ENTITY: _____ DATE: _____
 NAME & TITLE: _____

REVIEW & APPROVAL SIGNATURES:

DATE: _____

 (Tribal Court)

DATE: _____

 (Judiciary Committee)

DATE: _____

 (Tribal President)

FORM 2

ROSEBUD SIOUX TRIBAL COMMISSION

NAME: _____
CLASS: _____
GOVERNMENT: _____
AGENCY/ENTITY: _____
EXPIRATION DATE: _____
WEAPON AUTHORIZED: _____

(PICTURE)

THE BEARER HAS ALL THE POWER AND AUTHORITY AS PRESCRIBED BY THE ROSEBUD SIOUX TRIBE LAW AND ORDER CODE TO ENFORCE ALL OF THE CODE UNLESS LIMITED TO THE FOLLOWING: _____

SIGNED: _____ DATE: _____
(Tribal Chief Judge/Court Administrator)

SEAL

SIGNED: _____ DATE: _____
(President, Rosebud Sioux Tribe)

(reduce down to a wallet size document)