

WINNEBAGO TRIBE OF NEBRASKA

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RESOLUTION # 25-194

AMENDMENTS TO THE WINNEBAGO TRIBAL CODE ADOPTION OF TITLE 3, ARTICLE 16 WINNEBAGO PUBLIC SAFETY COMMISSION CODE

WHEREAS, the Winnebago Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 U.S.C. § 5123) as amended by the Act of June 15, 1935, (49 Stat. 378); and

WHEREAS, pursuant to Article III of the Winnebago Tribal Constitution, the governing body of the Tribe shall be the Tribal Council; and

WHEREAS, pursuant to Article IV Section 1(c) of the Winnebago Tribal Constitution, and its inherent powers of self-government, the Tribal Council is vested with the power, *inter alia*, "To safeguard and promote the peace, safety, morals, and general welfare of the Tribe"; and

WHEREAS, pursuant to Article IV Section 1(p) of the Winnebago Tribal Constitution, and its inherent powers of self-government, the Tribal Council is vested with the power, *inter alia*, "To protect and preserve the property, wildlife and natural resources of the Tribe"; and

WHEREAS, pursuant to Article IV Section 1(q) of the Winnebago Tribal Constitution, and its inherent powers of self-government, the Tribal Council is vested with the power, *inter alia*, "To promulgate and enforce statutes governing the conduct of persons located within or passing through the Reservation and providing for maintenance of law and order and the administration of justice"; and

WHEREAS, in order to safeguard life, health, and property and to promote the public welfare, the Winnebago Tribe of Nebraska has determined it necessary to adopt a new Title 3, Article 16 entitled Winnebago Public Safety Commission Code.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby adopts Title 3 Article 16 of the Winnebago Tribal Code by adopting the attached Winnebago Public Safety Commission Code; and

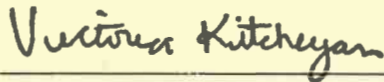
BE IT FINALLY RESOLVED, that this adoption of Title 3, Article 16, Winnebago Public Safety Commission Code shall be effective upon adoption of this Resolution.

C E R T I F I C A T I O N

We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on July 16, 2025, at a meeting duly convened by the Winnebago Tribal Council, the Tribal Council voted to adopt the above Resolution by a vote of 6 for, 0 against, 0 abstentions, with the Chairperson not voting and 2 Member(s) not present.

Dated this 16th day of July 2025.

Attest:



Victoria Kitcheyan, Chairwoman
Winnebago Tribal Council



Teresa Littlegeorge, Secretary
Winnebago Tribal Council

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TITLE 3
ARTICLE 16
WINNEBAGO PUBLIC SAFETY COMMISSION CODE

3-1600	Establishment	3-1609	Confidentiality
3-1601	Purpose and Policy	3-1610	Conflicts of Interest
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3-1608	Commissioner Requirements and Qualifications		

3-1600 Establishment. The Winnebago Public Safety Commission is hereby established as the independent law enforcement oversight authority of the Winnebago Tribe of Nebraska.

3-1601 Purpose and Policy. The purpose of the Commission is to provide performance and regulatory oversight of Tribal law enforcement and to act as the liaison between the community, law enforcement, and the Tribal government providing transparency, advice and advocacy for effective policies and protocols that will help reduce crime and increase safety and justice on Tribal Lands.

It shall be the policy of the Commission to:

1. Support the Winnebago Tribe of Nebraska's goal of self-sufficiency and sovereignty through the implementation and enforcement of Tribal laws and regulations;
2. Provide the community with a professional and effective law enforcement agency that is responsive and respectful while serving the community;
3. Strengthen the relationship between the community and the police by providing an accessible and credible complaint review process and increasing the community's confidence in the Department; and
4. Provide an open and independent forum for the community to express concerns about police conduct.

3-1603 Source of Authority. The Winnebago Tribe of Nebraska (“Tribe”) has both constitutional and inherent sovereign authority to govern and provide for the health and safety of its members, residents, visitors and territory, and through that authority has enacted this code and created the Winnebago Public Safety Commission (“Commission”).

3-1604 Definitions. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

1. “Chief of Police” shall mean the highest-ranking law enforcement officer of the Winnebago Police Department.

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2. “Commission” shall mean the Winnebago Public Safety Commission.
3. “Commissioner” or “Member” shall mean a duly appointed member of the Winnebago Public Safety Commission.
4. “Department” shall mean the Winnebago Police Department.
5. “Law Enforcement Agency” shall mean an agency responsible for enforcing the laws of the Winnebago Tribe of Nebraska, and any other applicable law, including but not limited to the Winnebago Police Department.
6. “Personnel” shall mean all civilian personnel of the Department.
7. “Police Officer” or “Law Enforcement Officer” shall mean a qualified and sworn member of the Winnebago Police Department who meets all qualifications for a law enforcement officer, including accepted professional training and experience, state or federal certification, which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.
8. “Reasonableness Standard” means the standard of review which requires the Tribal Court to uphold the decision of the Commission if it falls within a range of acceptable or defensible outcomes; the court doesn’t substitute its own judgement for that of the Commission, rather the Tribal Court assesses whether the agency’s decision is justified, transparent and intelligible.
9. “Tribal Council” shall mean the Winnebago Tribal Council.
10. “Tribal Lands” shall mean all lands over which the Winnebago Tribe of Nebraska exercises jurisdiction.
11. “Tribal Police” shall mean the Winnebago Police Department.
12. “Tribe” shall mean the Winnebago Tribe of Nebraska.

3-1605 Winnebago Public Safety Commission

The Winnebago Public Safety Commission shall be responsible for and empowered to do the following:

1. Appoint, discipline, or remove the Chief of Police of the Winnebago Police Department, however the Chief of Police shall manage the daily operations of the Department;
2. Adopt, modify, and repeal rules governing eligibility for appointment and promotion of Law Enforcement Officers;
3. Formulate, review and recommend for adoption by the Tribal Council policies, practices, orders, regulations and procedures for the government, discipline, administration and conduct of the Department and of its members;

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4. Review all reports and audits conducted by the Department, Bureau of Indian Affairs, or any other entity's reports or audits that are submitted to the Chief of Police;
5. Hear formal disciplinary charges filed against the Chief of Police, make findings and determinations, and impose penalties, up to and including termination;
6. Adopt rules governing the Commission's management of its own activities, including but not limited to bylaws and hearing procedures;
7. Review and forward to the Winnebago Tribal Council for its approval agreements such as cross-deputization, dispatch function and mutual aid agreements which are made between the Department and other agencies;
8. Approve the Winnebago Tribal Law Enforcement Manual.
9. Review and recommend the Department's annual proposed budget to the Tribal Council;
10. Review all summaries of use of force incidents, after investigations are complete. The summary shall include badge numbers of officers involved, circumstances of incidents, such as an officer involved shooting, and final determinations of investigation. The Commission shall identify patterns and trends and adjust policies and procedures and training when appropriate based on this review;
11. Work towards increasing public awareness of the Commission and the Police Department to include providing public notice of its monthly meetings, provided that all hearings involving on-going investigations or internal department personnel matters shall be held in executive (closed) session;
12. Provide a monthly report to the Tribal Council to include but not be limited to statistics on the number of complaints and disciplinary actions it has heard, and any other issues the Commission or the Tribal Council may deem important and appropriate;
13. For any reason, may appoint an independent auditor to address a particular complaint or investigation;
14. Conduct a yearly evaluation of the Department and may hire an outside evaluator to assist with the review, and submit an annual report to the Tribal Council;
15. Conduct a yearly evaluation of the Chief of Police; and
16. May have the services of its own contract attorney, separate from the Tribe's Legal Counsel, during disciplinary hearings to avoid any conflict of interest. Payment for the services of any contract attorney shall be included in the Commission's annual budget.
17. Shall be paid a reasonable stipend as determined by the Tribal Council.

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3-1606 Public Safety Commission Meetings

The Commission shall meet at least once a month. The public may participate in a portion of the monthly meeting, except when the Commission is in executive session. The public portion of any meeting may include but is not limited to the following:

1. A report by the Chief of Police, including statistics of the number of incidents responded to in the prior month, the types of calls, any public service performed by the Police Department, and the number of complaints filed and investigated.
2. Review of any policies and procedures;
3. Any comments from the public.

3-1607 Appointment of Commissioners.

The Winnebago Tribal Council shall appoint five (5) members to the Winnebago Public Safety Commission for staggered five (5) year terms. Commissioners may serve no more than three (3) consecutive terms. The initial Commission shall be appointed as follows:

1. One (1) member shall be appointed for a five (5) year term.
2. One (1) member shall be appointed for a four (4) year term.
3. One (1) member shall be appointed for a three (3) year term.
4. One (1) member shall be appointed for a two (2) year term.
5. One (1) member shall be appointed for a one (1) year term.

Thereafter, each subsequent term shall be for a period of five (5) years, and each Commissioner shall serve until his/her successor is appointed by the Tribal Council.

3-1608 Commissioner Requirements and Qualifications

The following are membership requirements for serving on the Winnebago Public Safety Commission:

1. Shall be a member of the Winnebago Tribe of Nebraska;
2. Must be 25 years of age or older;
3. Must complete a satisfactory background investigation. The following would prohibit any person from serving on the Winnebago Public Safety Commission:
 - a. A felony conviction under 18 U.S. Code 1153, or an equivalent crime under the laws of any state;
 - b. A felony arrest which results in a misdemeanor conviction due to a plea arrangement;
 - c. A conviction of a violation that could bring discredit to the Commission;

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4. Must submit to drug testing prior to appointment and be subject to random drug testing.
5. Must not be an employee of the Winnebago Police Department;
6. Shall attend required meetings and training;
7. Must be a person of good standing in the community; and
8. Must be committed to the improvement and provision of police services for the Tribe.

3-1609 Confidentiality. Commissioners shall not reveal any confidential information regarding personnel matters, investigations, and disciplinary hearings. Unauthorized sharing of confidential information shall result in the removal from the Commission.

3-1610 Conflicts of Interest

In the event a Commissioner has a conflict of interest on a particular issue, he or she shall recuse himself or herself from the matter entirely, including deliberation and decision-making. If the Commissioner fails to recuse himself or herself and the conflict of interest is apparent to the remaining commissioners, they shall remove him or her from the meeting by majority vote and may recommend termination from the Commission to the Tribal Council.

3-1611 Removal of Commissioners

1. The Commission may recommend termination of a member from the Commission to the Winnebago Tribal Council for:
 - a. Failure to fulfill duties and responsibilities, including failure to recuse oneself in the case of a conflict of interest;
 - b. Conduct which could jeopardize the reputation of the Winnebago Tribe of Nebraska, the Winnebago Public Safety Commission, or the Winnebago Tribal Police;
 - c. Any change in status which would place the Commissioner in conflict with the qualifications specified herein; and
 - d. Violation of the confidentiality of closed hearings or any other unauthorized disclosure of confidential information;
2. Commission recommendations for a member's termination from the Commission must be determined by a majority vote of members in attendance at a Commission meeting with quorum.
3. The Winnebago Tribal Council shall have the authority to remove a Commissioner by a majority vote of the Tribal Council.

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3-1612 Complaints

1. The Commission shall not solicit complaints from the public, however, it shall make complaint forms accessible to the public and ensure the public knows the complaint process and where to submit a complaint form.
2. Any person may file a written complaint against a Law Enforcement Officer with the Chief of Police, or his or her designee, who shall investigate the complaint.
 - a. The Chief of Police, or his or her designee, may invite the Law Enforcement Officer to agree to an informal resolution to the complaint which shall be reduced to a writing that waives any right to an appeal and that outlines the discipline to be imposed.
 - b. If the Chief of Police, or his or her designee, determines that an informal resolution is inappropriate, the Chief of Police or his or her designee, may bring formal disciplinary charges against the Law Enforcement Officer.
3. The Commission shall investigate any complaints against the Chief of Police and may bring formal disciplinary charges against the Chief of Police. If the Commission determines it is necessary, an independent investigator may be retained and appointed to assist in the investigation of complaints against the Chief of Police.
4. Law Enforcement Officers and Personnel may also make any complaints about working conditions to the Commission and no disciplinary action may be taken against a Law Enforcement Officer or Personnel for making such a complaint.

3-1613 Commission Hearings

1. When formal disciplinary charges have been brought against the Chief of Police, the Commission shall conduct a hearing.
2. The Commission shall adopt hearing procedures to be used for the conduct of all hearings, and which shall be adopted by the Commission within thirty (30) days of the adoption of this Act.
3. The Commission may have legal counsel or a hearing examiner facilitate the conduct of any hearing.
4. The Commission shall arrange for a court reporter to record and transcribe all proceedings.
5. The Commission shall have the authority to subpoena witnesses.
6. The Commission shall render a decision by a majority vote.
7. The decision of the Commission may be appealed to the Tribal Court, which shall review the Commission's decision based on a Reasonableness Standard.
8. The Chief of Police, when subject to a formal disciplinary charge, shall have the following rights:
 - a. The right to notice of the charge(s) that have been made, as well as actions or consequences if the charge is sustained;

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- b. The right to a hearing to respond to the charges;
- c. The right to legal representation at his or her own expense; and
- d. The right to present evidence and argue his or her view of the facts and circumstances of the case.

3-1614 Severability. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

3-1615 Repeal. All other Winnebago laws, codes, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this code are hereby repealed unless specifically re-enacted after adoption of this code.