



MILLE LACS BAND OF OJIBWE
Executive Branch of Tribal Government

EXECUTIVE ORDER NO. 172-15

AN EXECUTIVE ORDER REGARDING THE STATUS OF THE BAND'S CHIEF LAW ENFORCEMENT OFFICER.

WHEREAS, the Chief Executive possesses all Executive Branch authority unless expressly divested of such authority by Band statute, 4 MLBSA § 2; and

WHEREAS, the Chief Executive must ensure the impartial application of Band law, 4 MLBSA § 6(a); and

WHEREAS, the Chief Executive may issue an executive order upon any matter falling under the purview of the Executive Branch, 4 MLBSA § 6(e); and

WHEREAS, the Chief Executive may direct the convening of an executive hearing on a particular subject for purposes of gathering information, identifying issues, and offering recommendations, which, in turn, can assist the Chief Executive in the faithful performance of her duties, 4 MLBSA §§ 6(g), 12(a)(3); and

WHEREAS, on August 5, 2013, the Chief Executive authorized an executive hearing to assess the "effectiveness, responsiveness, and integrity of the Mille Lacs Band Police Department" for purposes of articulating "recommendations . . . for improving the operation[] and oversight of the Police Department," MLB EXECUTIVE ORDER 166-13; and

WHEREAS, in early-2014, the executive hearing officers issued a final report, and concluded, in part, that the Police Department "[wa]s not functioning effectively or appropriately and [wa]s unresponsive to Band concerns, including those held by Band elected officials," thereby necessitating the hiring of an interim Chief of Police, Report Pursuant to Executive Order 166-13, pp. 9, 24; and

WHEREAS, the executive hearing officers recommended the following measures in response to the foregoing finding: a) "change . . . both direction and leadership," b) "fundamental[ly] change . . . attitude towards public service and community policing," c) "address systemic public safety issues," d) "constructively engag[e] the community," e) "communicate[] with other tribal police departments to gather or exchange ideas regarding effective methods and strategies for dealing with reservation policing issues," f) "allocat[e] . . . assets for a Community Service Officer," g) "work closely with . . . Band leadership . . . to coordinate public safety programs," h) develop and enforce Native American hiring goals," i) "develop a plan for comprehensive law enforcement in Districts II and III," j) "educate Band membership regarding the role of the

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[Police Department] to foster understanding and respect,” and, k) “engage Elders in public safety,” Report Pursuant to Executive Order 166-13, pp. 24, 26-27; and

WHEREAS, the executive hearing officers specifically expressed the necessity of “annually modify[ing] the job description for the Chief of Police so that it aligns with public safety priorities and emphasizes: a) law enforcement; b) public education; c) constructive encounters with the community and, especially, youth; d) community policing and crime prevention, with increased police presence in neighborhoods, including vehicle and foot patrols in residential areas; and, e) collaboration with tribal officials,” Report Pursuant to Executive Order 166-13, p. 26; and

WHEREAS, the Police Department is expressly exempted from the Band’s governmental policies and procedures, 6 MLBSA § 2(a)(5); MLB PERS. POLICY & PROCEDURES MANUAL (ed. Mar. 5, 2014), § 2(7) at 5; and

WHEREAS, the Department of Justice instead maintains “authori[ty] to promulgate policy governing the conduct and employment rules and regulations of all law enforcement,” 24 MLBSA § 1052; *cf.* MLB POLICE DEP’T OPERATIONS MANUAL (“Police Manual”) (ed. Mar. 19, 2010), § 200.2(1)(h) (indicating that the Solicitor General approves policy modifications); and

WHEREAS, the Solicitor General exercises general administrative oversight of the Department of Justice, and, in particular, advises the Chief Law Enforcement Officer, *i.e.*, Chief of Police, regarding his or her attendant duties and obligations, 24 MLBSA § 1054(g, i); and

WHEREAS, the job description of the Chief of Police appears within the Police Manual, and any modifications thereto do not require approval by the Administration Policy Board, *compare* 4 MLBSA § 8(d), *with* 24 MLBSA § 1052; and

WHEREAS, the Solicitor General is independently obligated to amend policy at the Chief Executive’s request, and otherwise assist the Chief Executive in achieving a faithful expression of Band policy, 4 MLBSA § 18(e-f); and

WHEREAS, the Chief of Police is neither an appointed nor senior executive staff position, and, therefore, is not a salaried official, 6 MLBSA §§ 1002(a), 1102(b, h), but rather a “for cause” employee who may avail him or herself of the Peace Officer Discipline Procedures Act, POLICE MANUAL, § 303.07; *see also* MINN. STAT. § 626.89(1)(c); and

WHEREAS, the Band’s standing Law Enforcement Committee recommends altering the interim designation of Chief of Police Jared R. Rosati to permanent status, *see* MLB EXECUTIVE ORDER 165-13.


NOW THEREFORE, THE CHIEF EXECUTIVE ISSUES THE FOLLOWING ORDERS:

1) The above recommendation of the Law Enforcement Committee is hereby accepted, and the Solicitor General is advised to appropriately modify the employment status of the current Chief of Police;

2) The aforementioned recommendations of the executive hearing officers are hereby accepted, and the Solicitor General is advised to appropriately and contemporaneously modify the job description of the Chief of Police, and thereafter perform reasonable and necessary amendments on an annual basis, which shall constitute mandatory terms and conditions of employment, including any and all retained responsibilities, that the Chief of Police must timely adhere to and comply with regardless of the evolving nature thereof, and that the transition of the present officeholder to permanent status and employment of any successor candidates are expressly conditioned upon acceptance of this understanding.

Expiration Date: None

Dated this 29 day of May 2015.



Melanie A. Benjamin
Chief Executive

