



MILLE LACS BAND OF CHIPPEWA INDIANS
Executive Branch of Tribal Government

GOVERNMENTAL OPERATIONS
EXECUTIVE ORDER 030

AN EXECUTIVE ORDER IN REGARDS TO THE POLICY AND PROCEDURES RELATING TO THE USE OF FIREARMS BY AND LAW ENFORCEMENT OFFICER OF THE MILLE LACS BAND OF CHIPPEWA.

WHEREAS, the Band Assembly has not enacted any legislation regarding the use of firearms by Law Enforcement Officers; and,

WHEREAS, the discharging of firearms by a Law Enforcement Officer could cause imminent danger of loss of life or serious bodily injury to another individual; and,

WHEREAS, it is necessary to protect the rights, safety, and privileges of Band members and Law Enforcement Officer.

NOW THEREFORE, pursuant to the authority vested in me by Band Statute and the Constitution of the Minnesota Chippewa Tribe, I, Arthur Gahbow, do hereby authorize the following regulation in regards to the use of firearms by Law Enforcement Officers.

1.1 Purpose

The purpose of these regulations is to set forth the Mille Lacs Band of Chippewa's policy and procedures relating to the use of firearms.

1.2 Policy on the Use of Firearms

A firearm may be discharged only when in the considered judgment of the officer there is imminent danger of loss of life or serious bodily injury to the officer or to another person. The weapon may be fired only for the purpose of rendering the person at whom it is fired incapable of continuing the activity prompting the officer to shoot. The firing of warning shots is prohibited. This policy does not apply to the use of firearms to participate in official marksmanship training or to kill a dangerous or seriously injured animal. For purposes of implementing this order, all reports shall be filled out in triplicate with one copy to the Chief Executive, one copy to the Chief Justice, and one copy to the Clerk of Court. The Clerk of Court shall certify receipt of all documents of this order.

1.3 Authority to Carry a Firearm

A. Authorizing Official

The Mille Lacs Band of Chippewa Chief Law Enforcement with the qualification requirement use in concurrence with the B.I.A. Chief agency enforcement officer may authorize Mille Lacs Band of Chippewa law enforcement officer to carry firearms. The authority of the Chief Law Enforcement and appropriate B.I.A. enforcement officer may not be redelegated.

B. Employees Permitted to Carry Firearms

Mille Lacs Band of Chippewa law enforcement officers or trainees receiving firearms instruction may be authorized to carry firearms.

C. Initial Qualification Requirements

Mille Lacs Band of Chippewa law enforcement officers or trainees may be authorized to carry firearms during official or marksmanship training. Officers are required to receive twenty hours of training in the use of weapons, policy and safety and to be certified by a qualified instructor as proficient in the use of policy firearms.

D. Semi-annual Requalification Requirements

Band law enforcement officers must attain a score of 70 percent or better within the previous six months to be qualified to carry a firearm. An officer who fails to qualify as a marksman may be retested one week later.

Additional testes to qualify may be scheduled at one week intervals. Any officer who fails to qualify shall be reassigned pending qualification to duties that do not require the use of firearms. Any officer who fails to qualify after 10 attempts shall be permanently reassigned to a position which does not require the use of firearms.

1.4. Actions to be Taken When a Firearm is Used.

A. Responsibility of Officer Firing Weapon

A law enforcement officer shall prepare a report in accordance with 68 IAM 5.5 stating all facts involved in the firing of a weapon (including while in training or to kill a dangerous or seriously injured animal). The officer shall report the firing of the weapon to the supervisor immediately.

B. Responsibility of Supervisor

1. Upon receipt of a report that a weapon has been discharged without injury to any person, the supervisor shall investigate the incident and submit a report of the findings to the Mille Lacs Band of Chippewa Chief Law Enforcement Officer and the B.I.A. agency law enforcement officer.
2. The supervisor shall notify promptly, through appropriate channels, the Chief Justice and the Agency Superintendent in instances when the discharge of a weapon has caused injury or death. The Chief Justice shall immediately notify the Chief Executive.

C. Investigation Procedures

Upon notification that an officer has injured or caused death with a firearm, the Chief Executive shall place the officer on administrative leave or assign the officer to exclusively administrative duties pending a thorough investigation of the incident by the chief law enforcement officer. If the chief law enforcement officer caused the injury or death, the Special Officer shall conduct the investigation. The Chief Executive shall determine what action shall be taken based on the finding of the investigation. If disciplinary action is considered necessary, appropriate procedures complying with the provisions of personnel policies shall be followed. The Chief Executive shall transmit to the Area Director a copy of the investigatory report and a report of the final action taken.

1.5 Firearm Authorized for Policy Use

A. Standard Policy Hand Gun

Band law enforcement officers will be issued the standard policy .38 caliber revolver and ammunition. The use of other types of hand guns such as automatics parabellums, or calibers other than the authorized .38 caliber is prohibited. The barrel length may be not more than six (6) inches nor less than four (4) inches for uniform personnel, and not less than two (2) inches for plain clothes personnel. Only standard load ammunition may be used.

B. Waiver Provisions

Officers who performed Band law enforcement duties before July 17, 1972, may be authorized to carry the .357 magnum revolver. The Natural Resource Commissioner may grant a written waiver for hand guns not authorized under A and B above.

C. Auxiliary Firearms for Emergencies

Under emergency conditions the ranking law enforcement supervisor at the scene may, if necessary and after conferring with other law enforcement supervisor personnel when possible, authorize the assignment and use of auxiliary firearms.

1.6 Weapons Management and Maintenance

A. Officers Authorized to Issue Firearms.

Firearms may be issued by the chief law enforcement officers to law enforcement officers or trainees.

B. Receipt for Firearms

Each enforcement officer issued a firearm shall acknowledge receipt of the firearm by full description of the weapon, including serial number, BIA identification number and value. The receipt shall contain the following statement:

"I _____, (Officers Name) have completed the training and met the qualification standards for the carrying, issuance, and care and use of firearms as prescribed by Regulation Law and Order handbook, Executive Order 029 as of _____(Date). I further understand that I must receive additional training and requalify no later than____(Date) or I am to return to the issuing officer the above described firearm (s) by the aforementioned date."

(Officers Signature)

The original receipt for issued firearms shall be maintained in a separate file established under the control of the Chief law enforcement officer and a copy sent to the chief agency law enforcement officer, who is responsible for assuring such records are current and accurate.

C. Lapse of Firearms Qualification

Whenever an enforcement officer's firearms qualification lapses the chief law enforcement shall request return of the weapon.

D. Firearms Cleaning

Each officer shall clean the issued service revolver at least once every two weeks. Ammunition shall be replaced at least once a year. The officer shall report the loss or damage of a service revolver immediately to the supervisor.

E. Firearms Storage

The proper storage of firearms at home shall include: rendering firearms inoperable by a safety device and/or by storing ammunition and the weapon separately. Both ammunition and firearms shall be stored in places not readily accessible to children.

F. Wearing of Firearms

Law enforcement officers shall carry firearms in full view. Plain-clothes officers normally carry firearms concealed from view.

G. Carrying of Firearms While Off Duty

Band law enforcement officers are permitted to carry firearms upon request while of duty. However, officers are not permitted to carry firearms outside the jurisdiction to which assigned.

H. Weapons Inspections

The chief law enforcement officer shall conduct monthly weapons inspections and note the results of the inspection on the monthly consolidated report of the policy officer's daily log. Weapons inspection deficiencies require the supervisor to take immediate corrective action. Unserviceable weapons shall be replaced by serviceable weapons from existing stock while being repaired.

1.7 Marksmanship Training

A. Minimum Qualifying Score for an Officer

An officer must score a minimum of 70 percent on one of the approved qualification courses in order to be certified as proficient in the use of police firearms. A score below 70 percent is also unsatisfactory for purposes of the required semiannual weapons qualification.

B. Minimum Qualifying Score for a Firearms Instructor

The following courses are approved firearms qualification courses.

1. The National Rifle Association National Police Course
2. The National Rifle Association 25-Yard Course
3. The National Rifle Association Practical Pistol Course
4. The Federal Bureau of Investigation Practical Pistol Course.

D. Marksmanship Proficiency

Band law enforcement officers shall remain proficient in the use of weapons issued and all officers shall participate in a marksmanship training program of not less than two (2) hours per month and appropriate records maintained of such training by the chief law enforcement officer.

E. Marksmanship Program

Agency shall develop appropriate marksmanship program to motivate professionalism of law enforcement officers. The holding of competitive Agency and Agency marksmanship matches and occasional participation in NRA sponsored matches will establish rapport with neighboring jurisdictions and serve as a medium of goodwill in developing an exchange of professional information and courtesies.

DATED at Vineland, Minnesota, this 1st day of December, 1983.

SIGNATURE OF CHIEF EXECUTIVE

APPROVED AND NUMBERED
AS TO FORM & EXECUTION

EXPIRATION DATE
OPEN

Jay Kanassatega, Solicitor General
OFFICIAL SEAL OF THE BAND