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LAW ENFORCEMENT DIVISION
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TITLE 24
LAW ENFORCEMENT DIVISION

CHAPTER ONE

Section 101. Establishment of a Tribal Police Force.

There is hereby established a Tribal Law Enforcement Department within the Tribal Administration to be known as the Seminole Nation of Oklahoma Lighthorse Police Department. It shall be the duty of all employees assigned to the Seminole Nation of Oklahoma Lighthorse Police Department to serve the public by enforcement of the Tribal laws and other applicable laws in addition to rendering such assistance relative to law enforcement as may be necessary and to protect all persons and property within the Tribal jurisdiction from criminal activities.

Section 102. Jurisdiction.

The jurisdiction of the Seminole Nation of Oklahoma Lighthorse Police Department will extend to the enforcement of all laws enacted by the Tribal Council of the Seminole Nation of Oklahoma and protection of all persons and property located within the boundaries of property owned by the Seminole Nation of Oklahoma which is held in trust by the United States.

Section 103. Composition.

The Seminole Nation of Oklahoma Lighthorse Police shall be composed of officers qualified to serve under the Code of Federal Regulations and Chapter 2 of this Code. The officers shall be designated by title according to rank based upon length of service, experience and training. It shall be the duty of the Police Chief to review job descriptions on an annual basis and to update as necessary to ensure proper delivery of services. The positions Titles shall include, but is not limit to:

- (a) Police Chief.
Supervise all activities and manages the Law Enforcement Program
- (b) Assistant Chief of Police.
Supervise Police Officers and their duties.
- (c) Police Officer I.
Patrols and investigates actions. May supervise.
- (d) Police Officer II.
Patrols and investigates.
- (e) Police Officer III.

Patrols

(f) Police Officer IV.

Administrative Assistant.

(g) Criminal Investigator.

Investigates criminal reports/activities.

Section 104. Authority of Commissioned Personnel.

All sworn personnel of the Lighthouse Police Department are authorized to:

- (1) Carry firearms.
- (2) Execute or serve warrants, summonses or other orders relative to a crime committed in their jurisdiction.
- (3) Make an arrest without a warrant for an offense committed within their jurisdiction if-
 - (a) The offense is committed in the presence of the officer, or
 - (b) The offense is a felony and the officer has reasonable grounds to believe that the person to be arrested has committed, or is committing, the felony.
- (4) Offer and pay a reward for services or information, or purchase evidence, assisting in the detection or investigation of the commission of an offense committed in Indian Country or in the arrest of an offender against the United States.
- (5) Make inquiries of any person, and administer to, or take from any person, an oath, affirmation or affidavit, concerning any matter relevant to the enforcement or carrying out in Indian Country of a law of either the United States, an Indian Tribe, or State and/or its political subdivisions, that has authorized the officer to enforce or carry out their Tribal laws.
- (6) Wear a prescribed uniform and badge or carry prescribed credentials.
- (7) Perform any other law enforcement related duty.
- (8) When requested, assist (with or without reimbursement) any Federal, Tribal, State or local law enforcement agency in the enforcement or carry out of the laws or regulations the agency enforces or administers.

Section 105. Authority of Chief of Police.

The Chief of the Lighthouse Police Department has the ultimate responsibility for managing and operating the law enforcement program on a day-to-day basis.

Section 106. Commission Cards and Identification Cards.

Each Law Enforcement Division, Support Enforcement Division Officer and Chief of Police shall, upon taking their oath of office and thereafter as an individual's rank changes, or at intervals decided by Police Regulation, be issued a commission card containing, at a minimum, the officer's photograph, name rank, badge number, the fact that the officer is authorized to carry firearms and make arrests, the fact that such person is a commissioned law enforcement officer of the Seminole Nation of Oklahoma Lighthorse Police Department and the signatures of the Principal Chief and the Chief of the Lighthorse Police Department.

Every member of the Seminole Nation of Oklahoma Lighthorse Police Department shall carry their commission (or other identification in the case of non-commissioned employees) with them at all times when on active duty, and shall, as soon as reasonably practicable under the circumstances, exhibit such commission or identification and give their name, rank and badge number upon request of any person.

Section 107. Demotion or Termination Based on Qualifications

Any Police Officer who has not successfully completed the training requirements set forth in this Code within the allotted time, shall be terminated, provided that funds were available for the required training.

Section 108. Chain of Command.

All Police Officers shall report directly to the Police Chief who shall have the authority to employ, supervise, discipline, or terminate the Officers of the Seminole Nation Lighthorse Police Department. The Police Chief shall be subject to the authority of the Principal Chief of the Seminole Nation of Oklahoma. To ensure stability in services, the Police Chief cannot be removed from office or demoted as the result of a change of the Principal chief. It shall be the duty of the Police Chief to ensure only lawful orders are followed.

Section 109. Code of Conduct.

The Seminole Nation of Oklahoma Lighthorse Police Department shall function pursuant to a Code of Conduct which shall prescribe specific rules concerning conflicts of interest, employee conduct both on and off duty, impartiality and thoroughness in performance of duty and acceptance of gifts or favors. The code shall ensure that certain standards of conduct are included which will require each law enforcement officer to be capable of performing that officer's duties to the greatest extent possible.

Section 110. Oath of Office.

All personnel, prior to assuming sworn status, take and subsequently abide by an oath of office to enforce the law, uphold the U.S. Constitution and the Seminole Nation of Oklahoma Constitution.

Section 111. Authority to Make Regulations.

The Chief of the Lighthorse Police Department is hereby authorized and empowered to make any useful or necessary rule or regulation, not inconsistent with any other provision of Tribal Law or the Indian Civil Rights Act, to promote the efficient, safe and honest conduct of the activities of the Department. Every such rule or regulation shall be filed for record in the office of the Tribal Secretary prior to becoming effective and shall be maintained in the form of a Law Enforcement Handbook. A copy of every such rule and regulation shall be delivered to the Principal Chief at or prior to the time of filing. The Principal Chief may vacate or modify any such rule in writing. Objections may be appealed to the Review Board and subsequently, to the Court.

Section 112. Cross-Deputation.

Any person regularly employed as a law enforcement officer by the Federal Government, the State of Oklahoma or any of its political subdivisions, or any Indian Tribe who would meet the minimum qualifications for entry as an officer in the Lighthorse Police Department may receive a Special Tribal Police Officer Commission upon the recommendation of the Chief of the Lighthorse Police and Principal Chief. Such special commission shall entitle the bearer thereof to exercise the powers and duties of a member of the Lighthorse Police Department when their assistance is requested within the Tribal jurisdiction by any Tribal officer. Such officers shall be under the supervision of regular members of the Lighthorse Police Department while actively involved in providing assistance within the Tribal jurisdiction and shall be entitled to all the authority and immunities of a member of the Lighthorse Police Department in such situations.

Commissions are to be issued only when a legitimate law enforcement need requires issuance. Commissions are not to be issued solely for the furtherance of inter-agency or public relations.

All recipients of Special Law Enforcement Commissions must meet the following standards:

- (a) Be at least 21 years old.
- (b) Meet respective state Peace Officer Standards and Training requirements for certification as a bona fide full-time peace officer and have written proof of such certification. Federal law enforcement applicants must produce evidence of federal law enforcement officer certification.
- (c) Within the period immediately preceding the issuance of the commission, must have passed their department's firearms qualifications and continue to be certified semi-annually.
- (d) Has not ever have been convicted of a felony, nor within the one year period immediately preceding the issuance of the commission, has not been convicted of a misdemeanor offense, with the exception of minor traffic offenses, nor been convicted of misdemeanor domestic violence preventing him or her from possessing a firearm in compliance with Section 658 of Public Law 104-208 (the 1996 amendment to the Gun Control Act of 1968), and has not been the subject of a court order prohibiting him from possessing a firearm.
- (e) Has no physical impairments that will hinder his/her performance as an active law enforcement officer.

(f) Tribal and contract officers shall meet the minimum standards established for BIA officers.

Officers of the Enforcement Division and Support Division of the Lighthorse Police Department may accept, with the approval of the Chief of the Lighthorse Police, similar special or deputy commissions from other Indian Tribes in Oklahoma, the State of Oklahoma and any of its political subdivisions and the Federal Government for which they are qualified.

All Enforcement Division Officers are encouraged to qualify for and receive a Special Law Enforcement Commission from the Bureau of Indian Affairs.

The Chief of the Lighthorse Police and the Principal Chief may enter into necessary agreements with other Indian tribes, States and any of their political subdivisions or the Federal Government to facilitate cross-deputizations.

Section 113. Support Enforcement Division (Reserve Officer Program).

The Chief of the Lighthorse Police Department may include a Reserve Officer Program to enhance the delivery of services provided that:

- (a) The selection criteria for reserves are the same as that for full-time officers.
- (b) All sworn reserve officers must complete a recruit academy training program comparable to that completed by full-time officers, prior to any routine assignment in any capacity in which the reserve officer is allowed to carry a weapon or is in position to make an arrest, except as part of a formal field training program.
- (c) Uniforms and equipment for reserve officers are the same as those for full-time officers performing like functions.
- (d) Reserve officers receive in-service training equivalent to that required for full-time officers performing like functions.
- (e) Reserve officers are trained in use-of-force policy(s) and tested for firearms proficiency with the same frequency as full-time officers.
- (f) Reserve officers are bonded and/or provided with public liability protection equal to that provided to full-time officers.

Section 114. Auxiliary Programs.

The Lighthorse Police Department may include an Auxiliary Program. The Chief of the Lighthorse Police Department shall ensure that:

- (a) Auxiliaries are not commissioned with sworn officer status.
- (b) The duties which auxiliaries may perform are identified.
- (c) Auxiliaries receive training in those duties identified.

(d) If auxiliaries wear uniforms, the uniforms clearly distinguish them from sworn officers.

Section 115. Volunteers.

The Chief of the Lighthorse Police Department has the authority to utilize volunteers to provide services. The volunteers shall serve without monetary compensation for their services rendered. The Chief of the Lighthorse Police Department shall develop a written plan for volunteer services that specifies:

- (a) The lines of authority.
- (b) Responsibility and accountability of volunteers.
- (c) Procedures for screening and selection of volunteers who provide services to the program on a regular basis.
- (d) The provision of training to volunteers, appropriate to the nature of their services.
- (e) That volunteers agree to abide by all program rules, policies, procedures and practices.
- (f) That the Chief of the Lighthorse Police Department may discontinue a volunteer activity at any time by written notice.

Section 116. Review Board.

The Review Board shall be composed of the Assistant Principal Chief, the Chief of the Lighthorse Police Department and one Officer selected from within the Law Enforcement Division by the Principal Chief. The Review Board shall have the authority to hear complaints arising from discipline or termination and to investigate and rule on police actions.

Section 117. Mutual Aid Agreements.

The Chief of the Lighthorse Police Department, with the approval of the Principal Chief, shall have the authority to enter into written agreements with neighboring law enforcement agencies to provide mutual aid in emergency situations. The mutual aid agreement must include, at a minimum the following details:

- (a) The legal status of law enforcement agencies and their personnel responding to mutual aid requests.
- (b) Procedures for vesting responding personnel with the legal authority to act within the agency's jurisdiction.
- (c) Procedures for requesting mutual aid.
- (d) Identify of those persons authorized to request mutual aid.

- (e) Identify of those persons to whom outside personnel are to report.
- (f) Procedures for maintaining radio communication with outside personnel.
- (g) Expenditures, if any, which should be borne by the law enforcement program to compensate for the use of the responding agency's resources.
- (h) Procedures for review and revision if prescribed in the agreement.

CHAPTER TWO REQUIRED TRAINING AND EQUIPMENT

Section 201. Required Police Training.

It shall be the duty of the Chief of the Lighthorse Police Department to maintain from time to time as circumstances require and permit classes of instruction for the members of the Law Enforcement Division. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and police activities, and with court orders and legal forms and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with the citizens of the Tribe, other residents of the tribal jurisdiction and surrounding communities in establishing better social and governmental relations.

(a) Newly employed Police Officers of the rank of Police Officer I, Police Officer II, Police Officer III, or Police Officer IV shall successfully complete, prior to or within their first year of service in that rank, the approved Basic Training Police Training Course conducted at the Indian Police Academy or the Tribal Basic Peace Officer Certification or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy. An officer who fails to complete the training required by this paragraph, except for lack of Tribal funds to pay such training or the unavailability of such training, shall be discharged or transferred to a position in the Administrative Division. Transfer may result in demotion.

(b) Newly employed Police Officers of the rank of Assistant Chief of Police shall successfully complete, prior to or within their first year of service in that rank, the approved Supervisory Enforcement Officer Training Course conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for the lack of Tribal funds to pay for such training or the unavailability of such training, shall be discharged or transferred to a non-supervisory position. Transfer may result in demotion.

(c) Newly employed Police Officers of the rank of Chief of Police shall successfully complete, prior to or within their first year of service in that rank, the approved Executive Management Course of Training conducted at the Indian Police Academy or a similar course substantially meeting or exceeding the level of training provided by the Indian Police Academy and approved by the Bureau of Indian Affairs. An officer appointed to such rank who fails to complete the training required by this paragraph, except for the lack of Tribal funds to pay for such training or the unavailability of such training, shall be discharged or transferred to a non-supervisory position. Transfer may result in demotion.

(d) The provisions of this Section shall not apply to the personnel in the Administrative Division, the Support Division or special officers except as otherwise provided in the Title or by regulation or the Lighthorse Police Department. Unless otherwise prohibited by Lighthorse Police Departmental regulation or federal funding requirements, completion of equivalent tribal, state or federal training programs shall, upon approval by the Chief of

Lighthorse Police and the Principal Chief of the Seminole Nation, constitute compliance with this section.

Section 202. Provision of Uniforms.

The Lighthorse Police Department shall provide for the clothing and equipment, including firearms, used by employees in performing law enforcement functions. The Chief of Police shall develop procedures for the provision of clothing, equipment and firearms. At a minimum, the uniforms, when worn, shall positively identify the wearer as a law enforcement officer. The Badge, nameplate and tribal identification patch shall be visible at all times. Uniforms of each Division of the Lighthorse Police Department shall be plainly and easily distinguishable, even at a distance.

Section 203. Firearms Training.

The firearms training for authorized personnel shall include, at a minimum, courses of fire approved by N.R.A., C.L.E.E.T. or the Federal Law Enforcement Training Academy and shall be conducted at least twice each twelve months. Records of training shall be maintained in the individuals personnel file.

Section 204. Firearms and Ammunition.

The guidelines for the type of firearms and ammunition authorized to be carried and used are as follows:

I. Handguns

1. Only handguns of authorized caliber's and manufacture are permitted as a primary weapons. The following caliber's and manufactures are authorized for duty use:
 - (a) .38+p
 - (b) 9mm Parabellum
 - (c) .45 ACP
 - (d) .40 cal.
 - (e) Other caliber's approved in writing by the Chief of the Lighthorse Police Department.
 - (f) Approved Brands Are: Smith & Wesson, Glock, Beretta, Sig Sauer, Colt, Ruger, Charter Arms, Walther & Heckler & Koch.
2. Handguns must function in a double action mode for the first round.
3. Handguns must have a minimum five round capacity.

4. The handgun must be registered with the program. The handgun must be examined by a programs firearms armorer or firearms instructor and found to be safe and reliable. The handgun registration record is kept with the officer's personnel file.
5. The program will furnish or authorize ammunition for program sponsored training and duty use for all authorized handguns. Only program furnished or authorized ammunition will be carried.
 - (a) The projectile (bullet) must weigh at least 75 grains,
 - (b) Have a minimum advertised muzzle velocity of 750 feet per second,
 - (c) Be of a hollow point design and
 - (d) Be factory loaded and supplied by a manufacturer with a reputation of proven reliability
6. Armor piercing and other loads deviating from the above standards are not to be utilized except in extraordinary circumstances as authorized by a supervisor.

II. Shotguns and Ammunition

1. Shotguns authorized for use by officers meet the following criteria:
 - (a) 12 gauge with no less than 18 inch barrel
 - (b) Have at least a 5 shell capacity with repeating capability
 - (c) Capable of being combat loaded
2. Shotgun ammunition meets the following criteria:
 - (a) Buckshot and rifled slugs are authorized for normal duty purposes.
 - (b) Shotgun ammunition must be factory loads with proved reliability.
 - (c) Specialty ammunition, i.e., bean bag rounds, rubber bullet, sabot rounds or gas rounds may be carried by officers trained in their use and upon authorization of the Chief of the Lighthorse Police Department.

III. Rifles and Ammunition

1. Any officer wishing to carry a rifle must have the express written approval of the Chief of the Lighthorse Police Department.

2. Rifles authorized for duty use must meet the following criteria:
 - (a) The rifle shall have a barrel of 16 or more inches in length
 - (b) Only rifles firing 9MM, 45, .223, .308, or 30-06 calibers shall be authorized
3. Rifle ammunition must meet the following criteria:
 - (a) High velocity, soft nose or hollow point
 - (b) The ammunition must be factory loads with proven reliability
 - (c) Specialty ammunition, i.e., rubber bullet, sabot rounds or gas rounds may be carried by officers trained in their use and upon authorization of the Chief of the Lighthouse Police Department.

Section 205. Use of Firearms.

(a) A firearm may be discharged in the line of duty 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, or when the officer is attempting to apprehend a fleeing person who has committed a felony or a which resulted in the death or serious bodily injury of another person in the presence of the officer and of other reasonable means will prevent escape, or when the person is an escaped felon convicted of an offense which involved the death or serious bodily injury of another and no other reasonable means will prevent escape.

(b) 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, the private use of firearms in target practice at the police range or other target range while off duty, the private use of firearms while hunting while off duty, or the use of firearms, whether on or off duty to kill a dangerous or seriously injured animal. Nor does this policy apply to the use of tranquilizer guns for the purpose of capturing stray, disturbed or ill animals, both domestic and wild. Police officers may also use small caliber or small bore firearms for the purpose of animal control, including the killing of snakes and other varmints.

(c) In other situations, a police officer may use any reasonable force, but not including deadly force, necessary to prevent or halt unlawful activity conducted in the presence of the officer or to apprehend or recapture a person subject to arrest.

Section 206. Report of Firearm Use.

Except in firearms training, each time a firearm is used for law enforcement purposes a report shall be filed with the superior of the officer who used the weapon and forwarded through the chain of command to the Principal Chief. Whenever the use of a weapon results in serious injury or death of any person, the officer firing the weapon shall be placed on administrative leave or other strictly administrative duties pending a thorough investigation of all circumstances

surrounding the incident. The investigation shall be conducted by the Review Board who shall hold a public hearing upon notice to determine the facts of the case and whether under the circumstances the use of the firearm was justifiable. If the Review Board determines that the use of the firearm was justified, the officer shall be returned to active duty at the officer's prior assignment. If the Review Board determines that the use of the firearm was not justified, the officer will be subject to such disciplinary action, including a referral to the appropriate Prosecutor for prosecution as may be appropriate. The Police Officer shall have the right to appeal an adverse decision of the Review Board to the appropriate Court.

Section 207. Non-Firearm Weapons.

The guidelines for the type of the non-firearm weapons authorized to be carried and used are as follows:

I. Chemical Aerosol Sprays

Chemical sprays should be used only when, in the opinion of the person using them, it is necessary to gain control of an individual or group of individuals or to ensure the protection of the public or officers or to apprehend dangerous violators of the law or persons who present a danger to themselves or others. Care shall be taken to afford first aid to any person upon whom chemical sprays have been used. Circumstances surrounding the use of a chemical spray shall be reported to the officer's supervisor as soon as possible. Chemical agents should be replaced as recommended by the manufacturer. Disposal of the chemical agents shall be in accordance with prescribed environmental procedures.

Approved types are:

1. Oleoresin Capsicum (commonly referred to as Pepper Spray)
2. C.N. (commonly referred to as Tear Gas)
3. C.S. (commonly referred to as Tear Gas)

II. Impact Weapons

All batons must be at least 21 inches in length and not more than 36 inches in length. The use of impact weapons must be governed by sound judgment. The baton is for the protection of the officer and the public and it functions primarily as a defensive instrument. In the protection of life and property and in the defense of an officer's person, the baton has its specific place. The baton may be used in the following circumstances:

1. Protection of life and property
2. Defense of the officer's person

3. Where hands/body alone would prove injurious to the officer. The baton strike zones should be targets of priority which are designed to be the arms, elbows, wrists, hands and legs. Strikes above the shoulder, to the chest or groin are restricted for the survival of the officer only.

Approved types are:

1. The friction/expandable baton
2. The straight baton
3. The side-handled baton

III. Personal Weapons

This involves the use of what is commonly known as fist, hand, elbow, foot, knee, and etc. The use of personal weapons can be by officers to defend themselves against assault, or as a method of using physical force to gain control of a situation when other levels of force are inappropriate or ineffective.

IV. I V. Electronic Restraint Devices

Devices designed to immobilize violent individuals with a short burst of electronic current are authorized for use where conventional restraint tactics are reasonably judged likely to fail or where it would be unsafe to approach the individual. The Chief of Police shall approve individual devices based on their proven record of safety and reliability.

CHAPTER THREE
DISCIPLINARY ACTIONS

Section 301. Disciplinary or other Adverse Police Chief Actions.

Prior to taking an adverse disciplinary action against a Police Chief authorized by this Title or Police regulation to discipline law enforcement officers, the following steps shall be taken:

- (a) Notifying the Police Chief of the contemplated action and give a full specification of the reasons such action is contemplated.
- (b) Provide the Police Chief with a written statement of any specific violation of the rules, regulations, or statues the disciplining authority alleges the Police Chief has committed and the names of all persons upon whose testimony these allegations are based.
- (c) Set a hearing date not less than fifteen days after the Police Chief has been given the written statement of allegation.
- (d) Provide the Police Chief and the Police Chief's counsel at the hearing with an opportunity to confront and cross-examine each adverse witness.
- (e) Provide the Police Chief and the Police Chief's counsel at the hearing with an opportunity to delineate issues, to present factual contentions in an orderly manner and to generally protect the Police Chief's interest.
- (f) Reconsider the decision to take the adverse action based solely on the evidence given at the hearing and provide the Police Chief at the time the decision is announced with a written statement of the reasons for the decision and the evidence relied upon in reaching the decision.
- (g) Issue a final order based on the decision reached after the hearing.

CHAPTER FOUR DETENTION

Section 401. Jails.

Until such time the Seminole Nation of Oklahoma Lighthorse Police Department shall maintain adequate detention facilities, prisoners shall be housed at the appropriate sheriff's office. A daily per diem rate shall be negotiated between the Seminole Nation of Oklahoma Lighthorse Police Department and the sheriff's office and set out by contract to cover this expense when necessary.

Should the Seminole Nation of Oklahoma Lighthorse Police Department develop and implement a jail facility, the jail facility and its operations shall become a division under the Lighthorse Police Department. The Chief of the Lighthorse Police shall develop and implement the necessary policies and contracts for the operation of the facility.

CHAPTER FIVE
TRIBAL PEACE OFFICER CERTIFICATION AND TRAINING

Section 501. Certification Academy.

The Lighthorse Police shall be vested with the authority to conduct basic peace officer certification academies for the purpose of training officers holding a regular commission, reserve commission or special officer commission in basic peace officer academics. The Academies shall be coordinated by the Chief of Police and conducted on an as-needed basis.

Section 502. Curriculum and Courses of Study.

The Chief of Police shall formulate and promulgate a program of instruction for peace officer certification, comprised of fundamental law enforcement skills and knowledge, which shall be designated as the Basic Peace Officer Certification Academy.

Major, block curriculum changes, and/or changes in the total number of hours of the Basic Academy shall only be made upon the consideration of written or oral communication from local law enforcement chiefs, sheriffs, agency heads and court rulings.

The curriculum shall include, but not be limited to the following:

- (1) Orientation/Legal Matters
- (2) First Aid
- (3) Cardiopulmonary Resuscitation
- (4) Firearms
- (5) Criminal Investigation
- (6) Custody Control and Arrest
- (7) Traffic
- (8) Patrol
- (9) Community Relations

The Basic Academy shall consist of not less than 300 hours of instruction. Each area shall be assigned a minimum amount of time that must be devoted to that area. A designated minimum amount of time shall be devoted to testing and evaluation. Each topic of instruction to be taught as a separate unit within the areas shall have specifically defined performance objectives. The progress of each trainee shall be measured through testing and examination.

Section 503. Basic Academy Rules and Regulations.

Specific rules governing the administration of the Basic Academy shall be formulated by the Coordinator of the Academy. Said rules may be revised as deemed necessary by the Coordinator to provide for safe, efficient operation of the Academy. The Coordinator shall have the authority to dismiss any trainee who is in violation of the rules and regulations.

Section 504. Academic Requirements.

In order to successfully complete the Basic Academy program, trainees must achieve a score of seventy percent (70%), or higher, in all examinations and proficiency tests, except First Aid which shall require eighty percent (80%), or higher.

A trainee who fails a specific block examination will be permitted to retake that block examination a second time, within five (5) days of the first examination. If a trainee fails the block examination a second time, the trainee will be required to repeat the entire block on instruction and the block examination.

If a trainee misses any time during Legal Matters, Patrol Functions or Custody Control and Arrest, the trainee will not be permitted to take any of those block examinations. Rather, the trainee will be rescheduled to make-up that time in the next scheduled Basic Academy.

Section 505. Requirements for Instructors.

- I. To qualify as a General Instructor, the following qualifications must be met:
 1. Have a minimum of two (2) years experience in law enforcement, and
 2. Successfully completed an instructor development school, or
 3. Possesses a teaching certification for secondary education; or
 4. Possesses an advanced degree in the field of secondary adult education; or
 5. Be qualified to instruct at an accredited 4-year college or university.
- II. To qualify as a Specialized Instructor, the following qualifications must be met:
 1. Meet the qualifications of a general instructor, and
 2. Successfully complete an instructor development school in the specialized field for which the course of instruction is to be taught.
- III. Specialized Instructor shall include subject areas such as:
 1. Firearms Instructor
 2. Self-defense Instructor

3. Police Radar Instructor
4. Law Enforcement Driver Training
5. CPR/First Aid Instructor

IV. Adjunct Instructors must meet the following qualifications:

1. The individual must possess exceptional training, experience, or educational attainments which qualifies him or her to teach particular subject areas without the benefit of instructor development training. These shall be areas that can be classified as professionally recognized and formal in nature.

The Chief of the Lighthorse Police shall make the determination of the individual's qualifications upon review of the documentation presented.

Section 506. Certification by Reciprocity.

Any officer who has been certified by a state or federal peace officer standards and training agency, may obtain tribal certification by reciprocity, under the following conditions:

- (1) The officer must meet the minimum peace officer employment standards set forth by the Code of Law, and
- (2) The officer must have been employed as a peace officer within the previous two years, or
- (3) The officer must have completed a Basic Reserve Peace Officer Academy, and
- (4) The officer must have completed a bachelor's degree in criminal justice or police science.

Certification by reciprocity shall be granted by the Lighthorse Police Chief upon review and approval of documentation submitted by the individual.

CHAPTER SIX
MISCELLANEOUS PROVISIONS

Section 601. Return of Equipment.

Upon the resignation, death or discharge of any member of the Lighthorse Police, all articles or property issued in connection with the employee's official duties must be returned to the Chief of Police or the officer's representative. This provision may be waived by the Police regulation as to uniforms and other equipment other than firearms for officers honorably retired or in case of death while in service.

Section 602. Delegation and Assignment of Duties.

By Police Regulation, the duties of the Chief of Police may be delegated other positions within the Police Department. The Chief of Police shall assign such duties to officers and employees of lesser rank as may be necessary for the proper functioning of the Department.

Section 603. Immunities.

No member of the Lighthorse Police Department, and no person acting at the request and direction of such member during an emergency situation, shall be held to answer for any personal, civil or criminal liability for actions taken within the scope of the person's authority while in the discharge of the Officer's Police duties under the law.

Section 604. Bonding.

The Chief of Police by regulation shall provide for the bonding of all Police Officers in the enforcement division and such other officers as may be bonded in an amount determined by the Chief of Police with the consent of the Principal Chief. The cost of such bonds shall be paid from tribal funds. The sovereign immunity of the Tribe is hereby waived in the Tribal Court only and only to the extent and scope of the coverage of such bonds as may be in force at any particular time, as to actions by persons injured due to excessive use of force, violation of civil rights, or other causes inflicted by the Lighthorse Police Department personnel. No award or claim against the Nation or its Police Officers may exceed the amount of the bond in effect. This section shall not be constructed to provide any independent cause of action against either the Tribe or its Police Officers.

Section 605. 638 Contract Police Officers.

Where applicable, officers funded by a BIA 638 contract shall follow the BIA Law Enforcement Handbook.

CHAPTER SEVEN

ALCOHOL CONTROL AND ENFORCEMENT

Section 701. Title.

This Ordinance shall be known as the “Seminole Nation of Oklahoma Alcohol Control and Enforcement Ordinance.”

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 702. Authority.

This Ordinance is enacted pursuant to Article V of the Constitution of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 703. Purpose.

The purpose of this Ordinance is to regulate and control the manufacture, distribution, possession, and sale of Alcohol on Tribal lands of the Seminole Nation of Oklahoma. The enactment of this Ordinance will enhance the ability of the Seminole Nation of Oklahoma to control all such alcohol-related activities within the jurisdiction of the Tribe and will provide an important source of revenue for the continued operation and strengthening of the Seminole Nation of Oklahoma and the delivery of important governmental services.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 704. Application of Federal Law.

Federal law forbids the introduction, possession and sale of liquor in Indian Country (18 U.S.C. § 1154 and other statutes), except when in conformity both with the laws of the State and the Tribe (18 U.S.C. § 1161). As such, compliance with this Ordinance shall be in addition to, and not a substitute for, compliance with the laws of the State of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 705. Administration of Ordinance.

The General Council, through its powers vested under Article V of the Constitution of the Seminole Nation of Oklahoma and this Ordinance, delegates to the Alcohol Regulatory Authority the authority to exercise all of the powers and accomplish all of the purposes as set forth in this Ordinance, which may include, but are not limited to, the following actions:

- A. Adopt and enforce rules and regulations for the purpose of effectuating this Ordinance, which includes the setting of fees, fines and other penalties;
- B. Execute all necessary documents; and
- C. Perform all matters and actions incidental to and necessary to conduct its business and carry out its duties and functions under this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 706. Sovereign Immunity Preserved.

A. The Tribe is immune from suit in any jurisdiction except to the extent that the General Council of the Seminole Nation of Oklahoma expressly and unequivocally waives such immunity by approval of such written resolution.

B. Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Seminole Nation of Oklahoma or the Alcohol Regulatory Authority as an agency of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 707. Applicability.

This Ordinance shall apply to all commercial enterprises located within Tribal lands consistent with applicable Federal Liquor Laws.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 708. Computation of Time.

Unless otherwise provided in this Ordinance, in computing any period of time prescribed or allowed by this Ordinance, the day of the act, event, or default from which the designated period time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday. For the purposes of this Ordinance, the term “legal holiday” shall mean all legal holidays under Tribal or Federal law. All documents mailed shall be deemed served at the time of mailing.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 709. Liberal Construction.

Provisions of this Ordinance shall be liberally construed to achieve the purposes set forth, whether clearly stated or apparent from the context of the language used herein.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 710. Collection of Applicable Fees and Fines.

The Alcohol Regulatory Authority shall have the authority to collect all applicable and lawful fees and fines from any person or Licensee as imposed by this Ordinance. The failure of any Licensee to pay all applicable fees or fines for the sale of Alcoholic Beverages shall subject the Licensee to penalties, including, but not limited to the revocation of said License.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 711. Matter of Special Interest.

The manufacture, distribution, possession, sale, and consumption of Alcoholic Beverages within the jurisdiction of the Seminole Nation of Oklahoma are matters of significant concern and special interest to the Tribe. The General Council hereby declares that the policy of the Seminole Nation of Oklahoma is to eliminate the problems associated with unlicensed, unregulated, and unlawful importation, distribution, manufacture, possession and sale of Alcoholic Beverages for commercial purposes and to promote temperance in the use and consumption of Alcoholic Beverages by increasing the Tribe's control and enforcement of laws over such activities on Tribal lands.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 712. Federal Law.

The introduction of Alcohol within the jurisdiction of the Tribe is currently prohibited by federal law (18 U.S.C. § 1154), except as provided for therein, and the Tribe is expressly delegated the right to determine when and under what conditions Alcohol, including Alcoholic Beverages, shall be permitted thereon (18 U.S.C. § 1161).

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 713. Need for Regulation.

The Tribe finds that the Federal Liquor Laws prohibiting the introduction, manufacture, distribution, possession, sale, and consumption of Alcoholic Beverages within the Tribal lands

have proven ineffective and that the problems associated with same should be addressed by the laws of the Tribe, with all such business activities related thereto subject to the regulatory authority of the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 714. Geographic Locations.

The Tribe finds that the introduction, manufacture, distribution, possession, sale, and consumption of Alcohol, including Alcoholic Beverages, shall be regulated under this Ordinance only where such activity will be conducted within or upon Tribal lands.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 715. Definitions.

As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

A. "Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, including, but not limited to Alcoholic Beverages as defined herein, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for purposes of consumption by humans.

B. "Alcohol Regulatory Authority" means the three person subordinate committee established under this Chapter.

C. "Alcoholic Beverage(s)" when used in this Ordinance means, and shall include any liquor, beer, spirits, or wine, by whatever name they may be called, and from whatever source and by whatever process they may be produced, and which contain a sufficient percent of alcohol by volume which, by law, makes said beverage subject to regulation as an intoxicating beverage under the laws of the State of Oklahoma. Alcoholic Beverages include all forms of "low-point beer" as defined under the laws of the State of Oklahoma.

D. "Applicant" means any person who submits an application to the Alcohol Regulatory Authority for an Alcoholic Beverage License and who has not yet received such a License.

E. "Constitution" means the Constitution of the Seminole Nation of Oklahoma of Oklahoma.

F. "General Council" means the duly elected legislative body of the Seminole Nation of Oklahoma authorized to act in and on all matters and subjects upon which the Tribe is empowered to act, now or in the future.

G. "Federal Liquor Laws" means all laws of the United States of America that apply to or regulate in any way the introduction, manufacture, distribution, possession, or sale of any form of Alcohol, including, but not limited to 18 U.S.C. §§ 1154 & 1161.

H. "Legal Age" means twenty-one (21) years of age.

I. "License" or "Alcoholic Beverage License" means a license issued by the Alcohol Regulatory Authority authorizing the introduction, manufacture, distribution, or sale of Alcoholic Beverages for commercial purposes under the provisions of this Ordinance.

J. "Licensee" means a commercial enterprise that holds an Alcoholic Beverage License issued by the Alcohol Regulatory Authority and includes any employee or agent of the Licensee.

K. "Liquor store" means any business, store, or commercial establishment at which Alcohol is sold and shall include any and all businesses engaged in the sale of Alcoholic Beverages, whether sold as packaged or by the drink.

L. "Manufacturer" means any person engaged in the manufacture of Alcohol, including, but not limited to the manufacture of Alcoholic Beverages.

M. "Oklahoma Liquor License" means any license or permit issued by the State of Oklahoma, including any agency, subdivision, or county thereof, regulating any form of Alcohol, including, but not limited to any form of Alcoholic Beverage. Any license or permit issued for the sale or distribution of "low-point beer", as defined under Oklahoma law, shall be considered an "Oklahoma Liquor License" under this Ordinance.

N. "Ordinance" means this Seminole Nation of Oklahoma Alcohol Control Ordinance, as hereafter amended.

O. The words "package" or "packaged" means the sale of any Alcoholic Beverage by delivery of same by a seller to a purchaser in any container, bag, or receptacle for consumption beyond the premises or location designated on the seller's License.

P. "Public place" means and shall include any tribal, county, state, or federal highways, roads, and rights-of-way; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; public restaurants, buildings, meeting halls, hotels, theaters, retail stores, and business establishments generally open to the public and to which the public is allowed to have unrestricted access; and all other places to which the general public has

unrestricted right of access and that are generally used by the public. For the purpose of this Ordinance, “public place” shall also include any privately owned business property or establishment that is designed for or may be regularly used by more persons other than the owner of the same, but shall not include the private, family residence of any person.

Q. The words “sale(s)”, “sell”, or "sold" mean the exchange, barter, traffic, furnishing, or giving away for commercial purpose of any Alcoholic Beverage by any and all means, by whatever name commonly used to describe the same, by any commercial enterprise or person to another person.

R. “Tribal Court” means the Courts of the Seminole Nation of Oklahoma, as established under the Constitution of the Seminole Nation of Oklahoma and/or any other administrative Tribal Court established by a General Council Ordinance.

S. “Tribal land(s)” shall mean and reference the geographic area that includes all land included within the definition of “Indian country” as established and described by federal law and that is under the jurisdiction of the Seminole Nation of Oklahoma, including, but not limited to all lands held in trust by the federal government, located within the same, as are now in existence or may hereafter be added to.

T. “Tribal law” means the Constitution of the Seminole Nation of Oklahoma and all laws, ordinances, codes, resolutions, and regulations now and hereafter duly enacted by the Tribe.

U. “Tribe” shall mean the Seminole Nation of Oklahoma of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 716. Prohibition of the Unlicensed Sale of Alcoholic Beverages.

This Ordinance prohibits the introduction, manufacture, distribution, or sale of Alcoholic Beverages for commercial purposes, other than where conducted by a Licensee in possession of a lawfully issued License in accordance with this Ordinance. The Federal Liquor Laws are intended to remain applicable to any act or transaction that is not authorized by this Ordinance, and violators shall be subject to all penalties and provisions of any and all Federal and or Tribal laws.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended
April 30, 2011.]

Section 717. License Required.

A. Any and all sales of Alcoholic Beverages conducted upon Tribal lands shall be permitted only where the seller: (i) holds a current Alcoholic Beverage License, duly issued by

the Alcohol Regulatory Authority; and (ii) prominently and conspicuously displays the License on the premises or location designated on the license.

B. A Licensee has the right to engage only in those activities involving Alcoholic Beverage expressly authorized by such License in accordance with this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 718. Sales for Cash.

All sales of Alcoholic Beverages conducted by any person or commercial enterprise upon Tribal lands shall be conducted on a cash-only basis, and no credit for said purchase and consumption of same shall be extended to any person, organization, or entity, except that this provision does not prohibit the payment of same by use of credit cards acceptable to the seller (including but not limited to VISA, MasterCard, or American Express).

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 719. Personal Consumption.

All sales of Alcoholic Beverages shall be for the personal use and consumption of the purchaser and or his/her guest(s) of Legal Age. The re-sale of any Alcoholic Beverage purchased within or upon Tribal lands by any person or commercial enterprise not licensed as required by this Ordinance is prohibited.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 720. Tribal Enterprises.

No employee or operator of a commercial enterprise owned by the Tribe shall sell or permit any person to open or consume any Alcoholic Beverage on any premises or location, or any premises adjacent thereto, under his or her control, unless such activity is properly licensed as provided in this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 721. Licensing Eligibility.

Only Applicants operating upon Tribal lands shall be eligible to receive a License for the sale of any Alcoholic Beverage under this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 722. Licensing Application Process.

A. The Alcohol Regulatory Authority may cause a License to be issued to any Applicant as is it may deem appropriate, but not contrary to the best interests of the Tribe and its Tribal members. Any Applicant that desires to receive any Alcoholic Beverage License, and that meets the eligibility requirements pursuant to this Ordinance, must apply to the Alcohol Regulatory Authority for the desired class of License. Any such person as may be empowered to make such application, shall: (i) fully and accurately complete the application provided by the Alcohol Regulatory Authority; (ii) pay the Alcohol Regulatory Authority such application fee as may be required; and (iii) submit such application to the Alcohol Regulatory Authority for consideration.

B. All application fees paid to the Alcohol Regulatory Authority are nonrefundable upon submission of any such application. Each application shall require the payment of a separate application fee.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 723. Term and Renewal of Licenses.

A. The term of all Licenses issued under this Ordinance shall be for a period not to exceed one (1) year from the original date of issuance and may be renewed thereafter on a year-to-year basis, in compliance with this Ordinance and any rules and/or regulations hereafter adopted by the Alcohol Regulatory Authority.

B. Each License may be considered for renewal by the Alcohol Regulatory Authority annually upon the Licensee's submission of a new application and payment of all fees. Such renewal application shall be submitted to the Alcohol Regulatory Authority at least thirty (30) days and no more than ninety (90) days prior to the expiration of an existing License. If a License is not renewed prior to its expiration, the Licensee shall cease and desist all activity as permitted under the License, including the sale of any Alcoholic Beverages, until the renewal of such License is properly approved by the Alcohol Regulatory Authority. The Alcohol Regulatory Authority, in its sole discretion, may issue a Temporary License to an Applicant in lieu of a renewal License for such time period as is necessary for the Alcohol Regulatory Authority to complete its regulatory processes prior to the approval of a renewal License.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 724. Classes of Licenses.

The Alcohol Regulatory Authority shall have the authority to issue the following classes of Alcoholic Beverage License:

A. “Retail On-Site General License” authorizing the Licensee to sell Alcoholic Beverages at retail to be consumed by the buyer only on the premises or location designated in the License. This class of License includes, but is not limited to, hotels where Alcoholic Beverages may be sold for consumption on the premises and in the rooms of bona fide registered guests.

B. “Retail On-Site Beer and Wine License” authorizing the Licensee to sell only beer and wine at retail to be consumed by the buyer only on the premises or location designated in the License. This class of License includes, but is not limited to, hotels where beer and/or wine may be sold for consumption on the premises and in the rooms of bona fide registered guests.

C. “Retail Off-Site General License” authorizing the Licensee to sell Alcoholic Beverages at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the License.

D. “Retail Off-Site Beer and Wine License” authorizing the Licensee to sell only beer and wine at retail to be consumed by the buyer off of the premises or at a location other than the one designated in the License.

E. “Manufacturer's License” authorizing the Applicant to manufacture Alcoholic Beverages for the purpose of wholesale to retailers on or off Tribal lands, but not authorizing the sale of Alcoholic Beverages at retail.

F. “Temporary License” authorizing the sale of Alcoholic Beverages on a temporary basis for premises or at a location temporarily occupied by the Licensee for a picnic, social gathering, or similar occasion. A Temporary Licenses may not be renewed upon expiration. A new application must be submitted for each such License.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 725. Application Form and Content.

An application for any License shall be made to the Alcohol Regulatory Authority and shall contain at least the following information:

A. The name and address of the Applicant, including the names and addresses of all of the principal officers, directors, managers, and other employees with primary management responsibility related to the sale of Alcoholic Beverages;

B. The specific area, location, and/or premise(s) for which the License is applied

C. The hours that the Applicant will sell the Alcoholic Beverages;

D. For Temporary Licenses, the dates for which the License is sought to be in effect;

E. The class of Alcoholic Beverage License applied for, as set forth in Section 724 herein;

F. Whether the Applicant has an Oklahoma Liquor License;

G. A sworn statement by the Applicant to the effect that none of the Applicant's officers, directors, managers, and or employees with primary management responsibility related to the sale of Alcoholic Beverages, have ever been convicted of a felony under the law of any jurisdiction, and have not violated and will not violate or cause or permit to be violated any of the provisions of this Ordinance; and

H. The application shall be signed and verified by the Applicant under oath and notarized by a duly authorized representative.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 726. Public Hearing.

A. Upon receipt of an application for issuance or renewal of a License, and the payment of any fees required by the Alcohol Regulatory Authority, the Alcohol Regulatory Authority shall set the consideration of such application for a public hearing. Notice of the time and place of such hearing shall be mailed to the Applicant and provided to the public at least twenty (20) calendar days before the date of the hearing. Notice shall be mailed to the Applicant by prepaid U.S. mail at the address listed in the application. Notice shall be provided to the public by publication in a newspaper of general circulation within the jurisdiction of the Tribe. The notice published in the newspaper shall include: (i) the name of the Applicant; (ii) whether the hearing will consider a new License issuance or renewal of an existing License; (iii) the class of License applied for; and (iv) an address and general description of the area where the Alcoholic Beverages will be or have been sold.

B. At such hearings, the Alcohol Regulatory Authority shall hear from any person who wishes to speak for or against the application, subject to the limitation in paragraph (C) of this section, and any other limitations herein.

C. The Alcohol Regulatory Authority shall have the authority to place time limits on each speaker and limit or prohibit repetitive testimony.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 727. Action on the Application.

The Alcohol Regulatory Authority shall act on the matter within thirty (30) days of the conclusion of the public hearing. The Alcohol Regulatory Authority shall have the authority to

deny, approve, or approve with conditions the application, consistent with this Ordinance and the laws of the Tribe. Upon approval of an application, the Alcohol Regulatory Authority shall issue a License to the Applicant in a form to be approved from time to time by the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 728. Denial of License or Renewal.

An application for a new License or License renewal may be denied for one or more of the following reasons.

- A. The Applicant materially misrepresented facts contained in the application;
- B. The Applicant is currently not in compliance with this Ordinance or any other Tribal or Federal laws;
- C. Granting of the License, or renewal thereof, would create a threat to the peace, safety, morals, health, or welfare of the Tribe;
- D. The Applicant has failed to complete the application properly or has failed to tender the appropriate fee.
- E. A verdict or judgment has been entered against or a plea of nolo contendere has been entered by an Applicants' officer, director, manager, or any other employee with primary management responsibility related to the sale of Alcoholic Beverages, to any offense under Tribal, Federal, or State laws prohibiting or regulating the sale, use, possession or giving away of Alcoholic Beverages.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 729. Temporary Denial of License.

If the application is denied solely on the basis of Section 728.D., the Alcohol Regulatory Authority shall, within fourteen (14) days of such action, deliver in person or by mail a written notice of temporary denial to the Applicant. Such notice of temporary denial shall: (i) set forth the reason(s) for denial; and (ii) state that the temporary denial will become a permanent denial if the reason(s) for denial are not corrected within fifteen (15) days following the mailing or personal delivery of such notice.

In the case of denial of a renewal, the Alcohol Regulatory Authority, in its sole discretion, may issue a Temporary License to an Applicant in lieu of a renewal License for such time period as is necessary for the Applicant to cure such deficiency as has been identified under Section 728.D.,

and for such time period is necessary for the Alcohol Regulatory Authority to compete its regulatory processes prior to the approval of a renewal License.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 730. Cure.

If an Applicant is denied a License, the Applicant may cure the deficiency and resubmit the application for consideration. Each re-submission will be treated as a new application for License or renewal of a License, and the appropriate fee shall be due upon re-submission.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 731. Investigation.

Upon receipt of an application for the issuance, transfer, or renewal of a License, the Alcohol Regulatory Authority shall make a thorough investigation to determine whether the Applicant and the premises or location for which a License is applied for qualifies for a License, and whether the provisions of this Ordinance have been complied with. The Alcohol Regulatory Authority shall investigate all matters connected therewith which may affect Law Enforcement, public health, welfare, and morals.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 732. Procedures for Appealing a Denial or Condition of Application.

Any Applicant for a License or Licensee who believes the denial of their License, request for renewal, or condition imposed on their License was wrongfully determined may appeal the decision of the Alcohol Regulatory Authority in accordance with the Alcohol Regulatory Authority Rules and Regulations.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 733. Revocation of License.

The Alcohol Regulatory Authority may initiate action to revoke a License whenever it is brought to the attention of the Alcohol Regulatory Authority that a Licensee:

- A. Has materially misrepresented facts contained in any License application;

B. Is not in compliance with this Ordinance or any other Tribal or Federal laws material to the issue of Alcohol licensing;

C. Failed to comply with any condition of a License, including failure to pay any fee required under this Ordinance;

D. Has had a verdict, or judgment entered against, or has had a plea of nolo contendere entered by any of its officers, directors, managers or any employees with primary responsibility over the sale of Alcoholic Beverages, as to any offense under Tribal, Federal or State laws prohibiting or regulating the sale, use, or possession, of Alcoholic Beverages;

E. Failed to take reasonable steps to correct objectionable conditions constituting a nuisance on the premises or location designated in the License, or any adjacent area under their control, within a reasonable time after receipt of a notice to make such corrections has been mailed or personally delivered by the Alcohol Regulatory Authority; or

F. Has had their Oklahoma Liquor License suspended or revoked.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 734. Initiation of Revocation Proceedings.

Revocation proceedings may be initiated by either: (i) the Alcohol Regulatory Authority, on its own motion and through the adoption of an appropriate resolution meeting the requirements of this section; or (ii) by any person who files a complaint with the Alcohol Regulatory Authority. The complaint shall be in writing and signed by the maker. Both the complaint and resolution shall state facts showing that there are specific grounds under this Ordinance, which would authorize the Alcohol Regulatory Authority to revoke the License(s). The Alcohol Regulatory Authority shall cause the consideration of such revocation to be set for a public hearing before the Alcohol Regulatory Authority on a date no later than thirty (30) days from the Alcohol Regulatory Authority's receipt of a complaint or adoption of a resolution. Notice of the time, date, and place of such hearing shall be provided to the Licensee and the public in the same manner as set forth in section 726 herein. The notice of such hearing shall state that the Licensee has the right to file a written response to the complaint or resolution with the Alcohol Regulatory Authority, verified under oath and signed by the Licensee, no later than ten (10) days prior to the hearing date.

[HISTORY: Ordinance No. 2011-01, January 29, 2011.]

Section 735. Revocation Hearing.

Any hearing held on any complaint shall be held under such rules and regulations as the Alcohol Regulatory Authority may prescribe. Both the Licensee and the person filing the complaint shall have the right to present witnesses to testify and to present written documents in support of their

positions to the Alcohol Regulatory Authority. The Alcohol Regulatory Authority shall render its decision within sixty (60) days after the date of the hearing. The decision of the Alcohol Regulatory Authority shall be final.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 736. Delivery of License.

Upon revocation of a License, the Licensee shall forthwith deliver their License to the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 737. Transferability of Licenses.

Alcoholic Beverage Licenses shall be issued to a specific Licensee for use at a single premises or location (business enterprise) and shall not be transferable for use by any other premises or location. Separate Licenses shall be required for each of the premises of any Licensee having more than one premises or location where the sale, distribution, or manufacture of Alcoholic Beverages may occur.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 738. Posting of License.

Every Licensee shall post and keep posted its License(s) in a prominent and conspicuous place(s) on the premises or location designated in the License. Any License posed on a premises or location not designated in such License shall not be considered valid and shall constitute a separate violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 739. Appointment of Alcohol Regulatory Authority Subordinate Committee.

Two members of the subordinate committee shall be appointed by the Principal Chief and approved by a majority of the General Council pursuant to Article 3, Section 4 of the Constitution. The Chief of Police shall serve as the 3rd member of the subordinate committee. The Principal Chief and Assistant Chief shall serve as an ex-officios member of the Alcohol Regulatory Authority subordinate committee. Terms of office shall be for four years. Other than the Chief of Police, no voting member of the Alcohol Regulatory Authority shall be an elected

official of the Seminole Nation of Oklahoma or an employee of the Seminole Nation of Oklahoma during his or her term of office on the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 740. Alcohol Regulatory Authority.

In furtherance of this Ordinance, the Alcohol Regulatory Authority shall have exclusive authority to administer and implement this Ordinance and shall have the following powers and duties hereunder:

- A. To adopt and enforce rules and regulations governing the sale, manufacture, distribution, and possession of Alcoholic Beverages within the Tribal lands of the Seminole Nation of Oklahoma;
- B. To request and provide payment for services of the Seminole Nation of Oklahoma Division of Commerce to perform all administrative and regulatory responsibilities of the Alcohol Regulatory Authority hereunder other than those responsibilities specifically delegated to the members of the subcommittee comprising the Alcohol Regulatory Authority;
- C. To issue Licenses permitting the sale, manufacture, distribution, and possession of Alcoholic Beverages within the Tribal lands;
- D. To give reasonable notice and to hold hearings on violations of this Ordinance, and for consideration of the issuance or revocation of Licenses hereunder;
- E. To deny applications and renewals for Licenses and revoke issued Licenses as provided in this Ordinance;
- F. To bring such other actions as may be required to enforce this Ordinance;
- G. To prepare and deliver such reports as may be required by law or regulation; and
- H. To collect fees and penalties as may be required, imposed, or allowed by law or regulation, and to keep accurate books, records, and accounts of the same.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 741. Right of Inspection.

Any premises or location of any commercial enterprise licensed to manufacture, distribute, or sell Alcoholic Beverages pursuant to this Ordinance shall be open for inspection by the Alcohol Regulatory Authority for the purpose of insuring the compliance or noncompliance of the Licensee with all provisions of this Ordinance and any applicable Tribal laws or regulations.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 742. Limitation on Powers.

In the exercise of its powers and duties under this Ordinance, agents, employees, or any other affiliated persons of the Alcohol Regulatory Authority shall not, whether individually or as a whole:

A. Accept any gratuity, compensation, or other thing of value from any Alcoholic Beverage wholesale, retailer, or distributor, or from any Applicant or Licensee; or

B. Waive the sovereign immunity of the Seminole Nation of Oklahoma, or of any agency, commission, or entity thereof without the express written consent by resolution of the General Council of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 743. The Annual Fee Schedule for each class of Alcoholic Beverage License is as follows:

- A. Retail On-Site General License: \$2,000.00
- B. Retail On-Site Beer and Wine License: \$1,500.00
- C. Retail Off-Site General License: \$1,000.00
- D. Retail Off-Site Beer and Wine License: \$500.00
- E. Manufacturer's License: \$250.00
- F. Temporary License: \$100.00 per event. No annual License available.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 744. Renewal Fees and Late Charge Fine

Payment of the Annual Fee for Renewal Licenses is due prior to the date of expiration of the License. Past due Renewal Fees shall be assessed a Late Charge Fine equal to 10% of the annual License Fee per month until paid. Failure to pay the Annual Fee, Renewal Fee or Late Charge Fine shall result in revocation of the License.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 745. Manufacture, Sale, or Distribution Without License.

Any person who manufactures, distributes, sells, or offers for sale or distribution, any Alcoholic Beverage in violation of this Ordinance, or who operates any commercial enterprise on Tribal lands that has Alcoholic Beverages for sale or in their possession without a proper License properly posted, as required in section 738, shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 746. Unlawful Purchase.

Any person who purchases any Alcoholic Beverage on Tribal lands from a person or commercial enterprise that does not have a License to manufacture, distribute, or sell Alcoholic Beverages properly posted shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 747. Intent to Sell.

Any person who keeps, or possesses, or causes another to keep or possess, upon his person or any premises within his control, any Alcoholic Beverage, with the intent to sell or to distribute the same contrary to the provisions of this Ordinance, shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 748. Sale to Intoxicated Person.

Any person who knowingly sells or serves an Alcoholic Beverage to a person who is visibly intoxicated shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 749. Public Conveyance.

Any person engaged in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to consume any Alcoholic Beverage in any such public conveyance shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 750. Age of Consumption.

No person under the age of twenty-one (21) years may possess or consume any Alcoholic Beverage on Tribal lands, and any such possession or consumption shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 751. Serving Underage Person.

No person shall sell or serve any Alcoholic Beverage to a person under the age of twenty-one (21) or permit any such person to possess or consume any Alcoholic Beverages on the premises or on any premises under their control. Any Licensee violating this section shall be guilty of a separate violation of this Ordinance for each and every Alcoholic Beverage sold or served and or consumed by such an underage person.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 752. False Identification.

Any person who purchases or who attempts to purchase any Alcoholic Beverage through the use of false, or altered identification that falsely purports to show such person to be over the age of twenty-one (21) years shall be in violation of this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 753. Documentation of Age.

Any seller or server of any Alcoholic Beverage shall be required to request proper and satisfactory documentation of age of any person who appears to be thirty-five (35) years of age or younger. When requested by a seller or server of Alcoholic Beverages, every person shall be required to present proper and satisfactory documentation of the bearer's age, signature, and photograph prior to the purchase or delivery of any Alcoholic Beverage. For purposes of this Ordinance, proper and satisfactory documentation shall include one or more of the following:

- A. Driver's License or personal identification card issued by any state department of motor vehicles or tribal or federal government agency;
- B. United States active duty military credentials;
- C. Passport.

Any seller, server, or person attempting to purchase an Alcoholic Beverage, who does not comply with the requirements of this section shall be in violation of this Ordinance and subject to civil penalties, as determined by the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 754. General Penalties.

Any person or commercial enterprise determined by the Alcohol Regulatory Authority to be in violation of this Ordinance, including any lawful regulation promulgated pursuant thereto, shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each such violation, except as provided herein. The Alcohol Regulatory Authority may adopt by resolution a separate written schedule for fines for each type of violation, taking into account the seriousness and threat the violation may pose to the general public health and welfare. Such schedule may also provide, in the case of repeated violations, for imposition of monetary penalties greater than the Five Hundred Dollars (\$500.00) per violation limitation set forth above. The civil penalties provided for herein shall be in addition to any criminal penalties that may be imposed under any other Tribal, Federal, or State laws.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 755. Initiation of Action.

Any violation of this Ordinance shall constitute a public nuisance. The Alcohol Regulatory Authority may initiate and maintain an action in Tribal Court or any court of competent jurisdiction to abate and permanently enjoin any nuisance declared under this Ordinance. Any action taken under this section shall be in addition to any other civil penalties provided for in this Ordinance. The Alcohol Regulatory Authority shall not be required to post any form of bond in such action.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 756. Contraband; Seizure; Forfeiture.

A. All Alcoholic Beverages held, owned, or possessed within Tribal lands by any person, commercial enterprise, or Licensee operating in violation of this Ordinance are hereby declared to be contraband and subject to seizure and forfeiture to the Tribe.

B. Seizure of contraband as defined in this Ordinance shall be done by the Alcohol Regulatory Authority, with the assistance of Law Enforcement, and all such contraband seized shall be inventoried and maintained by the Alcohol Regulatory Authority pending a final order of the Alcohol Regulatory Authority. The owner of the contraband seized may alternatively request that the contraband seized be sold and the proceeds received there from be maintained by Law Enforcement pending a final order of the Alcohol Regulatory Authority. The proceeds from such a sale are subject to forfeiture in lieu of the seized contraband.

C. Within ten (10) days following the seizure of such contraband, a hearing shall be held by the Alcohol Regulatory Authority, at which time the operator or owner of the contraband shall be given an opportunity to present evidence in defense of his or her activities.

D. Notice of the hearing of at least ten (10) days shall be given to the person from whom the property was seized and the owner, if known. If the owner is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at other public places on Tribal lands. The notice shall describe the property seized, and the time, place, and cause of seizure, and list the name and place of residence, if known, of the person from whom the property was seized. If upon the hearing, the evidence warrants, or, if no person appears as a claimant, the Alcohol Regulatory Authority shall thereupon enter a judgment of forfeiture, and all such contraband shall become the property of the Seminole Nation of Oklahoma. If upon the hearing the evidence does not warrant forfeiture, the seized property shall be immediately returned to the owner.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 757. Nuisance.

Any room, house, building, vehicle, structure, premises, or other location where Alcoholic Beverages are sold, manufactured, distributed, bartered, exchanged, given away, furnished, or otherwise possessed or disposed of in violation of this Ordinance, or of any other Tribal, Federal, or State laws related to the transportation, possession, distribution or sale of Alcoholic Beverages, and including all property kept therein, or thereon, and used in, or in connection with such violation is hereby declared to be a nuisance upon any second or subsequent violation of the same.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 758. Action to Abate Nuisance.

Upon a determination by the Alcohol Regulatory Authority that any such place or activity is a nuisance under any provision of this Ordinance, the Tribe or the Alcohol Regulatory Authority may bring a civil action in the Tribal Court to abate and to perpetually enjoin any such activity declared to be a nuisance. Such injunctive relief may include a closure of any business or other use of the property for up to one (1) year from the date of the such injunctive relief, or until the owner, lessee or tenant shall: (i) give bond of no less than Twenty-Five Thousand dollars (\$25,000) to be held by the Alcohol Regulatory Authority and be conditioned that any further violation of this Ordinance or other Tribal laws will result in the forfeiture of such bond; and (ii) pay of all fines, costs and assessments against him/her/it. If any condition of the bond is violated, the bond shall be forfeit and the proceeds recoverable by the Alcohol Regulatory Authority through an order of the Tribal Court. Any action taken under this section shall be in addition to any other civil penalties provided for in this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 759. Use and Appropriation of Revenue Received.

All fees, payments, fines, costs, assessments, and any other revenues collected by the Alcohol Regulatory Authority under this Ordinance, from whatever sources, shall be expended first for the administrative costs incurred in the administration and enforcement of this Ordinance including costs of Law Enforcement. Any excess funds shall be subject to and available for appropriation by the Alcohol Regulatory Authority to the Tribe for essential governmental and social services related to drug and alcohol education, counseling and treatment.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended
April 30, 2011.]

Section 760. Audit.

The Alcohol Regulatory Authority and its handling of all funds collected under this Ordinance is subject to review and audit by the Tribe as part of the annual financial audit of the Alcohol Regulatory Authority.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended
April 30, 2011.]

Section 761. Reports.

The Alcohol Regulatory Authority shall submit to the General Council a quarterly report and accounting of all fees, payments, fines, costs, assessments, and all other revenues collected and expended pursuant to this Ordinance.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended
April 30, 2011.]

Section 762. Severability.

If any provision or application of this Ordinance is found invalid and or unenforceable by a court of competent jurisdiction, such determination shall not be held to render ineffectual any of the remaining provisions or applications of this Ordinance not specifically identified thereby, or to render such provision to be inapplicable to other persons or circumstances.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended
April 30, 2011.]

Section 763. Construction.

Nothing in this Ordinance shall be construed to diminish or impair in any way the rights or sovereign powers of the Seminole Nation of Oklahoma.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 764. Effective Date.

This Ordinance shall be effective upon certification by the Secretary of the Interior, publication in the Federal Register and recorded in the office of the Clerk of the Tribal Court.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]

Section 765. Prior Law Repealed.

Any and all prior enactments of the Seminole Nation of Oklahoma that are inconsistent with the provisions of this Ordinance are hereby rescinded.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011; Amended April 30, 2011.]

Section 766. Amendment.

This Ordinance may only be amended by written resolution approved by the General Council.

[HISTORY: Ordinance No. 2011-01, January 29, 2011; Amended April 30, 2011.]