

## **CHAPTER 42 - LAW ENFORCEMENT**

- 42.1 SECTION 1 - Purpose and Policy
- 42.2 SECTION 2 - Definitions
- 42.3 SECTION 3 - General Principles
- 42.4 SECTION 4 - Red Cliff Police Department
- 42.5 SECTION 5 - Red Cliff Tribal Law Enforcement Commission
- 42.6 SECTION 6 - Appointment of Law Enforcement Officers
- 42.7 SECTION 7 - Conduct of Meetings
- 42.8 SECTION 8 - Investigations
- 42.9 SECTION 9 - Disciplinary Proceedings
- 42.10 SECTION 10 - Administrative Leave

## CHAPTER 42 - LAW ENFORCEMENT

### 42.1 PURPOSE AND POLICY

- 42.1.1 The purpose of this ordinance is to regulate the conduct of the Red Cliff law enforcement personnel according to the highest professional standards.
- 42.1.2 Adoption, Amendment, Repeal. This ordinance is adopted by Red Cliff Tribal Council Resolution 1-22-08A and may be amended pursuant to the procedures set forth in RCCL sec. 27.2.
- 42.1.3 Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions. Nothing herein shall be construed as inconsistent with Tribal law or the Red Cliff Constitution.
- 42.1.4 All other Red Cliff laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.
- 42.1.5 This ordinance shall be known as the Red Cliff Law Enforcement Ordinance. Its effective date shall be the date this document is approved by the Red Cliff Tribal Council.
- 42.1.6 Applicability. This ordinance shall apply to all sworn and non-sworn officers of the Red Cliff Police Department.

### 42.2 DEFINITIONS

- 42.2.1 This article shall govern the definitions of words as phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.
- 42.2.2 “Certified Law Enforcement Officer” means any sworn officer who meets all qualifications for law enforcement officer, including accepted professional training and experience, State of Wisconsin Certification or eligibility for Certification which includes but is not limited to, satisfactory background investigation, psychological evaluation, drug testing, and police firearms certification.
- 42.2.3 “Non-sworn Personnel” means those persons who perform duties for the Red Cliff Police Department as directed by the Police Chief or designee who are not law enforcement officers.

42.2.4 "Red Cliff Tribal Law Enforcement Commission" (Commission) means the entity comprised of those individuals appointed by the Red Cliff Tribal Council under sec. 42.5.2 of this ordinance.

42.2.5 "Commissioner" means a member of the Red Cliff Tribal Law Enforcement Commission.

42.2.6 "Red Cliff Tribe" means the Red Cliff Band of Lake Superior Chippewa Indians.

**42.3 GENERAL PRINCIPLES**

42.3.1 All law enforcement operations shall take place on and within Red Cliff Reservation unless there is a potential that safety and welfare of an individual is being compromised. In addition, law enforcement operations may take place pursuant to mutual aid agreements with local governments.

42.3.2 All law enforcement operations shall be conducted as set forth in this ordinance.

42.3.3 Law enforcement operations shall be used primarily for the purposes of providing law enforcement within the Red Cliff Reservation and to supplement external law enforcement services offered by local governments within the Red Cliff community by powers set forth in Article I, sections 1(l) and (p) of the Red Cliff Constitution, and as set forth in compacts and agreements authorized by the Red Cliff Tribal Council.

42.3.4 The Red Cliff Tribal Law Enforcement Commission shall appoint and employ law enforcement personnel within its boundaries as it deems necessary for the purpose of detecting and preventing crime and enforcing the laws and ordinances of the Red Cliff Tribe, in addition to protection of persons, property, and premises. (Reinstated as of 03/02/15)

42.3.5 The Red Cliff Police Department may, as authorized and delegated by this ordinance and the Red Cliff Tribal Council, enter into cross-deputization and other law enforcement agreements with other jurisdictions.

42.3.6 The Red Cliff Police Department may allow law enforcement use of service firearms and weapons, including the use of deadly force when necessary, in order to protect life, liberty, property, land and premises, in accordance with tribal law and according to the usual and minimum accepted law enforcement standards as determined by the Police Chief with approval of the Red Cliff Tribal Law Enforcement

Commission. However, actual use of deadly force shall be allowed solely for the protection of life or the prevention of grievous bodily harm.

42.3.7 A Tribal Law Enforcement Commission is established by this Ordinance to provide oversight regarding the activities and actions of the law enforcement operations to provide the greatest possible professional services to the Red Cliff community and to allow for community input regarding those law enforcement services through its representatives on the Tribal Law Enforcement Commission. This entity is created as an oversight body and does not involve decision making processes on day to day activities of those law enforcement services.

#### 42.4 **RED CLIFF POLICE DEPARTMENT**

42.4.1 There is hereby established a Red Cliff Police Department, to which is delegated all general law enforcement authority of the Red Cliff Tribe.

- (a) **Police Chief.** The Department shall be headed by a Police Chief, appointed pursuant to Section 42.6 of this ordinance.
- (b) The Police Chief shall have authority over departmental personnel and operations, subject to the powers of the Red Cliff Tribal Law Enforcement Commission set forth in Section 42.5 of this ordinance.
- (c) The Police Chief or his/her designee shall have the right to exercise his/her police authority to deputize and use the services and manpower of the Red Cliff Security Department for emergencies, special events, and investigations.

#### 42.4.2 **Law Enforcement Officers.**

- (a) **Educational Requirements.** All persons hired after the effective date of this ordinance shall meet the minimum education requirements within two (2) years of the hire date, which are as follows:
  - (1) Possess a two year associate degree from a Wisconsin vocational, technical, and adult education district or its accredited equivalent from another state, or
  - (2) Possess documentation showing a minimum of 60 fully accredited college level credits. Documentation will be required in the form of an official transcript; or

(3) Possess a bachelors degree from a Wisconsin college or university or its accredited equivalent.

(b) Conditional Employment. Persons hired after the effective date of this ordinance, who are not certified law enforcement officers at the time of hire, are considered conditional employees. Conditional employees are not eligible for promotion. Law enforcement officers who fail to meet the specified requirements in this subsection shall be subject to immediate termination.

(c) Position Restrictions/Exceptions. With respect to the following positions every attempt should be made to employ members of the Red Cliff Tribe, consistent with the educational and other requirements of this ordinance: Police Chief. All other positions and appointments shall be subject to the Native American Preference rules of the Red Cliff Tribe.

42.4.3 Liability Coverage. The Red Cliff Tribe shall provide professional liability insurance for all law enforcement officers.

42.4.4 Declaration of Additional Restrictions of Employees. All personnel of the Red Cliff Police Department shall be bound by Standard Operating Procedures that are required as a result of the specific and unique needs of law enforcement. All officers shall insure that all clerical and administrative staff within the Department adhere to these same standards.

42.4.5 Law Enforcement Officers to Be Sworn. All law enforcement officers shall be installed by sworn oath before the Red Cliff Tribal Judge. (8-11-10A)

## 42.5 RED CLIFF TRIBAL LAW ENFORCEMENT COMMISSION

42.5.1 There is hereby established a Red Cliff Tribal Law Enforcement Commission that shall be responsible for and empowered to do the following:

(a) Make all decisions concerning employment and discharge of Red Cliff Police Department personnel, consistent with the provisions of this ordinance. This includes, but is not limited to the power to suspend or remove the Chief of Police and other officers, pending the filing and hearing of charges filed against them subject to the provisions of this section. This also specifically includes the power to initiate charges against the Police Chief and other officers in appropriate circumstances. (Reinstated as of 03/02/15)

(b) Consult with and provide direction as necessary to the Chief of Police of the Red Cliff Police Department on all matters

concerning the delivery of law enforcement services to the tribal community.

- (c) Provide minutes and reports quarterly to the Tribal Council.  
(3/2/2009)
- (d) Review law enforcement grant funding, monitor grant administration; oversee budgets and department expenditures. All expenditures of funds shall be in accordance with Tribal Finance Policies, as amended from time to time.
- (e) The authority to review, revise and implement Department procedures, including Standard Operating Procedures, so long as any such procedures are not inconsistent with any tribal law or agreement entered into by the Band on behalf of the Police Department.
- (f) Upon the commencement of an investigation by formal Commission action, the authority to review any and all Red Cliff Police Department reports, records, financial documents and other files, written, electronic or otherwise. In connection with the exercise of this function, the Commission shall have full access to the Red Cliff Police Department offices.
- (g) The authority to conduct internal investigations of police misconduct or to hire outside experts to do the same, provided that any such expense is either budgeted or approved by Tribal Council in advance of expenditure, as appropriate.
- (h) The authority to contact outside law enforcement agencies in connection with performing Commission duties and responsibilities.
- (i) The Commission may enact any needed internal procedural rules geared for effective and efficient execution of Commission duties and responsibilities.
- (j) Undertake the discharge of all such duties and responsibilities in a professional, fair, impartial, and even-handed manner.

#### 42.5.2

Appointment of Commissioners. The Commission shall be composed of five (5) members and one (1) alternate as appointed by the Tribal Council. The Commission Chair shall be appointed by the Red Cliff Tribal Council; other officers may be elected as deemed appropriate by the Commissioners. Alternates shall serve only where regular Commission members are unable to perform their duties or have recused themselves for

conflict of interest. Members of the Commission shall serve an indefinite term unless removed for cause by the Tribal Council upon recommendation of the Commission. Any Commission member may voluntarily surrender their seat by written resignation. Vacancies shall be filled through new appointment(s) by the Red Cliff Tribal Council.

42.5.3

Commissioner Requirements and Qualifications. The following are membership requirements for serving on the Red Cliff Tribal Law Enforcement Commission:

- (a) Shall be a member of the Red Cliff Tribe.
- (b) Must be 25 years of age or older.
- (c) Satisfactory background investigation. The following would prohibit any person from serving on the Red Cliff Tribal Law Enforcement Commission:
  - (1) A felony conviction in the State of Wisconsin, or any conviction of a crime in another state that would be considered a felony conviction if the offense and adjudication occurred in the State of Wisconsin.
  - (2) A felony arrest which results in a misdemeanor conviction due to a plea arrangement.
  - (3) A conviction of any ordinance violation that could bring discredit to the Commission.
  - (4) Any pardon issued by the Red Cliff Tribe or the governor of any State, for an offense specified in subsections (1)-(3), shall not deem a person as "exonerated" for the purposes of membership on the Red Cliff Tribal Law Enforcement Commission.
- (d) Must submit to drug testing prior to appointment and on an annual basis.
- (e) Must not be an employee of the Red Cliff Police Department.
- (f) Shall attend applicable training.
- (g) Satisfactory reference check.
- (h) Must be a person of known good standing in the community.

- (i) Must execute a confidentiality agreement.

Additionally, at least three (3) members of the RTLEC shall have a background and experience in law enforcement. Sitting Tribal Council members are ineligible to serve on the Commission.

42.5.4 Removal From Office. A Commissioner may be removed only by majority vote of the Red Cliff Tribal Council for misconduct. For purposes of this section “misconduct” shall mean the commission of acts or omissions contrary to the best interest of the Red Cliff Tribe, the Red Cliff Law Enforcement Commission or the Red Cliff Tribal Police Department, which are contrary to stated goals or objectives established for the Commission or any other act or omission considered misconduct in the sound discretion of the Tribal Council.

## 42.6 APPOINTMENT OF LAW ENFORCEMENT OFFICERS

### 42.6.1 Qualifications and Process for Appointment as Police Chief.

- (a) The recruitment and hiring process for Police Chief shall be conducted by the Red Cliff Tribal Law Enforcement Commission, with assistance, as needed, by the Personnel Department.
- (b) No person shall be accepted as a candidate or be eligible to serve as Police Chief who does not meet the following qualifications:
  - (1) Current certification in the State of Wisconsin as a law enforcement officer or upon approval from State of Wisconsin Standards Board.
  - (2) Member of the Red Cliff Tribe, where possible.
  - (3) A minimum of five (5) years creditable service as a sworn law enforcement officer for a state, tribal, local or federal government, with preference for (i) those who have at least an associate degree in police science, criminal justice or similar field, or a bachelor's degree in a related subject; and (ii) those with successful supervisory experience.
  - (4) Current satisfactory background investigation completed by the Red Cliff Gaming Commission or a law enforcement agency selected by the Red Cliff Tribal Law Enforcement Commission with results of the investigation reported directly to the Red Cliff Tribal Law Enforcement Commission.

- (5) Current satisfactory psychological examination report.
  - (6) Current satisfactory medical examination report.
  - (7) Current drug test with negative results for controlled substances.
- (c) Examinations, interviews, further selection criteria and other processes utilized in the hiring process of a Police Chief shall be at the discretion of the Red Cliff Tribal Law Enforcement Commission.
  - (d) Upon accepting retirement notification or the resignation of a current Police Chief, the Red Cliff Tribal Law Enforcement Commission shall appoint an interim or acting Police Chief who shall serve in said capacity until the process for appointment of a new chief can be completed. (Reinstated as of 03/02/15)
  - (e) Appointment of Interim Chief. Officers appointed to serve as Chief on an interim basis shall not serve in said capacity in excess of six (6) months and are subject to demotion to their original position upon appointment of a new Chief of Police.

42.6.2 Hiring Criteria. Hiring criteria for law enforcement officers, shall be developed by the Red Cliff Tribal Law Enforcement Commission and implemented by the Police Chief; and must include, but is not limited to:

- (a) educational requirements;
- (b) satisfactory background investigation;
- (c) psychological examination; and
- (d) medical certification.

42.6.3 Approval of Additional Law Enforcement Personnel.

- (a) The Police Chief shall make a request for the hiring of additional law enforcement personnel through the Red Cliff Tribal Law Enforcement Commission.
- (b) Upon receiving approval, the Police Chief shall make a formal request to the Personnel Department for posting the position(s) available.

42.6.4 Conditional Offer of Employment. Provided a candidate has satisfactory results in a background investigation, an offer of employment shall be sent to the candidate. The offer shall specify the candidate's appointment to the position of law enforcement officer contingent upon satisfactory psychological and medical testing.

42.6.5 Appointment. Provided a candidate has passed psychological, medical and other testing required by this ordinance, a formal offer of employment shall be extended to the candidate by the Police Chief. In the event the candidate lacks the minimum educational requirements as specified in Section 42.4.2(a), the contingency of employment shall be specified in the offer.

42.6.6 Non-Sworn Officers. The Red Cliff Police Department may utilize non-sworn officers to assist in its operations with the approval of the Commission. Non-sworn officers shall assist in law enforcement operations in the same manner as sworn officers except with respect to arrest; in all arrest situations, non-sworn officers shall not participate but shall seek the assistance of and defer to sworn officers of the Department.

#### 42.7 CONDUCT OF MEETINGS

42.7.1 The Commission shall conduct meetings in a manner consistent with general rules of meeting procedure. A quorum shall consist of three (3) members.

42.7.2 Official actions shall be carried or defeated by a majority vote. No motion shall be voted upon without a motion for a vote and a second.

42.7.3 Meetings of the Commission shall take place as determined and agreed upon by the Commission members, except that the Commission shall meet no less frequently than every three (3) months. Commission members shall be available for emergency meetings. Commissioner presence for emergency meetings can be through telephonic or electronic means.

42.7.4 Minutes shall be taken, distributed and maintained by a recording secretary provided by the Red Cliff Police Department or the Tribal Administration.

42.7.5 Nepotism. Commissioners shall refrain from participating in decisions involving a member of their immediate family. "Immediate family" as used in this section shall include a Commissioner's spouse, mother, father, sister, brother, and children. (07-07-08)

#### 42.8 INVESTIGATIONS

- 42.8.1 Upon receipt of a formal, written complaint on a form approved by the Commission, the Commission shall conduct an investigation into officer conduct. Investigations of complaints against the Red Cliff Tribal Police Department submitted by employees or community members to the Commission shall be conducted as expeditiously as possible. The Commission shall maintain complaint forms for such purposes and shall provide them to individuals upon request.
- 42.8.2 Investigations shall be conducted or supervised by the Chief of the Tribal Police Department. If the complaint directly involves the Police Chief, the complaint shall be conducted or supervised by the Commission. In appropriate circumstances, the Police Chief or Commission Chair (as the case may be) may hire an outside agency to conduct or assist in conducting an investigation into police misconduct.
- 42.8.3 Upon completion of the investigation, a full report with recommendations for action shall be made to the Commission. All actions affecting employment status (reprimand, suspension, termination) and complaint dismissals shall be made to the full Commission.
- 42.8.4 Investigations involving ongoing RCPD matters shall be conducted in a manner that minimizes interference with any ongoing RCPD matter.
- 42.8.5 Generally, the Commission shall refrain from becoming involved in any ongoing investigation, and shall endeavor to operate in a manner that does not impede any ongoing RCPD matter. However, where specific instances of misconduct warrant further inquiry, the Commission may exercise such duties and powers necessary to promptly complete any internal investigation and shall conduct its investigation in a manner that minimizes interference with any ongoing RCPD matter.
- 42.8.6 These by-laws shall not be construed to limit or otherwise impair the ability or authority of the Tribal Council to assign additional duties and responsibilities to the Commission provided such additional duties and responsibilities are consistent with those principles set forth in this section.

**42.9 DISCIPLINARY PROCEEDINGS (Reinstated as of 03/02/15)**

**42.9.1 Purpose.**

- (a) Disciplinary actions may be commenced against a law enforcement officer by the Police Chief for violations of departmental Standard Operating Procedures or laws of the Red Cliff Tribe or other government. Disciplinary actions against the Chief of Police shall proceed in accordance with sec. 42.8 above. All such actions are independent of and exempt from the Red Cliff Employee

Handbook. Discipline may range from a verbal warning to termination.

- (b) In serious matters, an internal investigation is conducted by the Red Cliff Police Department and the law enforcement officer under investigation may be placed on administrative leave pursuant to Section 10 of this ordinance.
- (c) In order to insure due process to law enforcement officers, a law enforcement officer has the right to appeal a disciplinary action directly to the Red Cliff Court of Appeals, in accordance with the provisions of RCCL Chapter 31. All such appeals must be commenced within thirty (30) calendar days. (5-03-10H)
- (d) Disciplinary actions against subordinate officers may be ordered by the Police Chief. The officer may appeal a disciplinary action to the Red Cliff Tribal Law Enforcement Commission. Upon filing of an appeal, the Police Chief shall submit formal charges against the officer to the Red Cliff Tribal Law Enforcement Commission.
- (e) Any citizen may file charges or a complaint against an officer with the Police Chief. The Red Cliff Tribal Law Enforcement Commission can proceed with a hearing after an investigation by the Police Chief.
- (f) If a citizen wishes to file a complaint with the Red Cliff Tribal Law Enforcement Commission, the Red Cliff Tribal Law Enforcement Commission will refer the complaint to the Police Chief to begin an investigation. Upon completion of the investigation the Police Chief shall submit his written report to the Commission.

#### 42.9.2

Commencement of Disciplinary Hearings. A request for an appeal of a decision of the Police Chief must be submitted in writing to the Red Cliff Tribal Law Enforcement Commission within 30 calendar days.

- (a) If the request is by a law enforcement officer or a citizen against a law enforcement officer, the Commission Chair must without delay, notify the Police Chief that a hearing has been requested.
- (b) The Red Cliff Tribal Law Enforcement Commission must meet within ten (10) calendar days and set a hearing date.
- (c) The Red Cliff Tribal Law Enforcement Commission has the right to extend hearing dates for cause.

42.9.3 Rights and Responsibilities of the Red Cliff Tribal Law Enforcement Commission at Hearings.

- (a) The Red Cliff Tribal Law Enforcement Commission has the authority to subpoena witnesses.
- (b) Hearing procedures that may be unique to a particular hearing shall be established prior to the hearing.
- (c) All information acquired by Commission members in the performance of their duties and responsibilities is confidential in nature. It is expressly prohibited for Commission members to use either directly or indirectly, for their benefit or for the benefit of others or otherwise, any confidential information acquired or developed in connection with their duties and responsibilities as Commission members. Violation of this restriction shall be grounds for removal.

42.9.4 Rights of the Accused Law Enforcement Officer at Hearings.

- (a) Notice of charges that have been made, or will be made, as well as actions that will or may be taken against the individual.
- (b) The right to a hearing to respond to the charges.
- (c) The right to representation at the individual's expense.
- (d) The right to confront and cross-examine his/her accusers.
- (e) The right to present evidence and argue his/her view of the facts.

42.9.5 Pre-Hearing Conference.

- (a) A pre-hearing conference shall be scheduled at least five (5) working days before the hearing. The law enforcement officer and the complainant shall be notified in writing of the pre-hearing conference and both may be represented.
- (b) The following matters shall be accomplished at the conference.
  - (1) Witness lists and any prior written or recorded statements or reports of witnesses will be exchanged between the parties or their representatives.

- (2) Exhibit lists will also be exchanged between the parties or their representatives, and each party and/or their representative shall be permitted to physically inspect all exhibits of the other party.
- (3) Witnesses or exhibits not on the pre-hearing conference lists may not be introduced at the hearing unless the Red Cliff Tribal Law Enforcement Commission determines that the party or their representative can demonstrate a satisfactory reason for the inclusion of such witness or exhibit on the list(s) submitted at the pre-hearing conference.
- (4) In the absence of the party or representative at the pre-hearing conference, the Red Cliff Tribal Law Enforcement Commission shall dismiss the charges unless the party or representative can demonstrate a satisfactory reason for non-appearance.

42.9.6 Hearing Procedure.

- (a) The Commission Chair shall preside over the hearing, and is charged with the responsibility of maintaining order during the proceeding.
- (b) In all proceedings, the Chair shall help insure that the hearing is fair and impartial, and shall strive to avoid the appearance of bias or partiality in any regard.
- (c) The Chair may elect to use an attorney or experienced hearing examiner to assist in conducting the hearing.
- (d) Each party to the proceeding shall be given the opportunity to present all facts, evidence and arguments that they may have in support of their position, consistent with this Chapter.
- (e) All Commission deliberations shall be in executive session.

42.9.7 Just Cause Standard Applied to Commission Deliberations. The Commissioners shall base their decisions regarding a disciplinary action upon the "just cause" standard further detailed herein. In short, the key inquiry facing the Commission should be whether the officer involved had "just cause" to engage (or refrain from engaging) in the conduct alleged to warrant discipline. Key areas of inquiry include, but are not necessarily limited to, the following:

- (a) Whether the law enforcement officer could reasonably be expected to have had knowledge of the probable consequences of the alleged misconduct.
- (b) Whether the procedure the law enforcement officer allegedly violated is reasonable.
- (c) Whether the Police Chief, before filing charges against the law enforcement officer, made a reasonable effort to discover whether the law enforcement officer did, in fact, violate a procedure.
- (d) Whether the investigation was fair and objective.
- (e) Whether the Police Chief discovered substantial evidence that the law enforcement officer violated the procedure as described in the charges filed against the law enforcement officer.
- (f) Whether the Police Chief is applying the rule or order fairly and without discrimination against the law enforcement officer.
- (g) Whether the proposed discipline is reasonable as it relates to the seriousness of the alleged violation and to the law enforcement officer's record of service with the Red Cliff Police Department.

42.9.8 The Red Cliff Tribal Law Enforcement Commission's findings shall be in writing and shall specify the disciplinary action ordered, as well as any special conditions attached to disciplinary action.

42.9.9 Appeals of Commission Findings. Appeals from the Red Cliff Tribal Law Enforcement Commission's rulings shall be made directly to the Red Cliff Court of Appeals in accordance with RCCL, Chapter 31. All such appeals must be commenced within thirty (30) calendar days of the Commission's final determination, any other provision of tribal law notwithstanding. The filing fee in all such cases shall be One Thousand Dollars (\$1,000).  
(5-03-10H)

**42.10 ADMINISTRATIVE LEAVE (Reinstated as of 03/02/15)**

42.10.1 General. Administrative leave is an action commenced by the Police Chief affecting the status of a law enforcement officer. A law enforcement officer is temporarily relieved of all law enforcement powers while on administrative leave. Administrative leave may be with or without pay at the discretion of the Chief of Police; where the Chief of Police is placed upon administrative leave, the decision to grant leave with or without pay shall be at the discretion of the Commission Chair. Where

leave is granted with pay, the law enforcement officer continues to receive his/her salary and is responsible to report to the Police Chief or perform other duties as assigned. Administrative leave does not denote wrongdoing on the part of the law enforcement officer.

42.10.2

Applicability. Administrative leave may only be ordered in the following circumstances:

- (a) The law enforcement officer poses a threat to themselves or others.
- (b) The law enforcement officer is alleged to have committed a violation(s) which calls for termination of his or her employment as a law enforcement officer and the matter is under investigation.
- (c) The law enforcement officer is alleged to have committed a violation(s) that is under investigation and that would cause a loss of public trust in the Red Cliff Police Department.
- (d) The law enforcement officer is under investigation for alcohol or drug abuse.
- (e) The law enforcement officer is under investigation for insubordination, untruthfulness, or commission of a crime.
- (f) The law enforcement officer demonstrates behavior indicating the law enforcement officer is unfit for duty.
- (g) Following the discharge of a firearm or the use of deadly force, where warranted. Administrative leave may also be authorized in connection with critical incident stress in appropriate circumstances.
- (h) In cases of incapacity or mental illness pending resolution of the officer's employment status with the Department.

42.10.3

Duration of Administrative Leave.

- (a) In cases where the law enforcement officer is under formal investigation, the law enforcement officer will remain on administrative leave until the investigation is completed.
  - (1) If the investigation results in allegations being sustained, the law enforcement officer will remain on administrative leave pending issuance of discipline.

- (2) If the investigation results in a finding that the charges were unfounded or not sustained, the law enforcement officer shall be immediately returned to active duty status.
  
- (b) In cases where the law enforcement officer is placed on administrative leave for other matters not involving formal investigation, the law enforcement officer shall be returned to active duty status upon order of the Police Chief or Commission Chair, as applicable. The period of administrative leave in incidents not involving investigation shall not exceed thirty (30) working days.