



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION CODE (HCC)**

#### **TITLE 1 – ESTABLISHMENT ACTS**

#### **SECTION 17 – POLICE DEPARTMENT ADVISORY BOARD ESTABLISHMENT ACT**

**ENACTED BY LEGISLATURE: MAY 5, 2015**

**CITE AS: 1 HCC § 17**

1. Authority.

- a. Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation (“Constitution”) grants the Legislature the power to make laws, including codes, acts, resolutions, and statutes.
- b. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, permit, or otherwise deal with the Nation’s lands, interests in lands or other assets.
- c. Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation.
- d. Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.
- e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.
- f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.
- g. Article V, Section 2(u) of the Constitution grants the Legislature the power to enact laws to regulate domestic relations of persons within the jurisdiction of the Nation.

**Executive Offices**

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- a. Current law enforcement officer with at least three (3) years experience or a former law enforcement officer with at least three (3) years experience. Any former law enforcement officer considered for a board position must provide proof that he/she left their previous employment in good standing.
  - b. At least thirty (30) years of age.
  - c. A satisfactory background investigation shall be required. Any felony conviction would prohibit any person from serving on the Board unless waived by the Legislature when the person has demonstrated and shown that his/her prior activities do not pose a threat to the credibility and integrity of the Board.
  - d. Not an employee of the Police Department.
  - e. Not an immediate family member of the Attorney General, an attorney from the Department of Justice, or the Police Department.
6. Appointment. Each board member shall be nominated by the President and confirmed by the Legislature by resolution. The President shall select board members based on their qualifications and after each candidate has submitted a written request for appointment and a resume. Each Board member shall serve a three (3) year term.
- a. The five (5) Committee members shall be initially appointed by the Legislature in accordance with the following.
    - (1) One (1) of the appointed Committee members shall serve a one-year term.
    - (2) Two (2) of the appointed Committee members shall serve two-year terms.
    - (3) Two (2) of the appointed Committee members shall serve three-year terms.
    - (4) The Legislature shall signal the length of each initial Committee member's term at the time of appointment.
    - (5) After the initial appointments, the Legislature shall appoint Committee members to three-year terms.
7. Grounds for Removal. Members of the Police Advisory Board are subject to the following grounds for removal:
- a. Non-attendance at two consecutive duly called for meetings.

- b. Non-participation as required to facilitate the duties of the Board.
  - c. No longer meet the qualifications required of a Police Advisory Board Member.
  - d. Violation of the Nation's *Drug, Alcohol and Controlled Substance Policy*, 6 HCC § 5.
8. **Removal Procedure.** Removal Procedure for Police Advisory Board Members:
- a. The Police Advisory Board, upon a valid motion of the Board to remove a Board member, and the Attorney General each possesses independent authority to recommend to the Legislature the removal of a Police Advisory Board member.
  - b. The Legislature shall remove a Police Advisory Board member by resolution

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**Legislative History**

- 12.17.13 Legislature establishes a Criminal Code Workgroup by Resolution 12.17.13C.
- 03.17.15 The Police Department Advisory Board Establishment Act is placed out for 45 Day Public Comment by Resolution 03.17.15M.
- 05.05.15 Legislature adopts the Police Department Advisory Board Establishment Act by Resolution 05.05.15L.