

TRIBAL CODE

CHAPTER 49:

PRIVATE SECURITY LICENSING AND FIREARMS POSSESSION

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HISTORY NOTE:

CURRENT ORDINANCE:

Resolution No. 2020-276, adopted November 3, 2020, adopts Tribal Code Chapter 49:
Private Security Licensing and Firearms Possession, effective immediately.

TRIBAL CODE

CHAPTER 49:

PRIVATE SECURITY LICENSING AND FIREARMS POSSESSION

SUBCHAPTER I: PREAMBLE

49.101 Preamble.

This Chapter shall be titled Private Security Licensing and Firearms Possession.

49.102 Purpose.

The Sault Ste. Marie Tribe of Chippewa Indians (“Tribe”) has determined that in order to adequately protect the health, welfare, and safety of the Tribe, Tribal Members, and others on the Reservation, including those conducting private security operations on Tribal Lands, private security operations and firearm possession shall be regulated. The purpose of this Chapter is to establish regulations and licensing requirements surrounding private security operations and firearm possession on Tribal Lands.

SUBCHAPTER II: DEFINITIONS

49.201 Board of Directors.

Board of Directors means the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians.

49.202 Chapter.

Chapter means this Private Security Licensing and Firearms Possession section of the Tribal Code.

49.203 Chief of Police.

Chief of Police means the Sault Ste. Marie Tribe of Chippewa Indians Chief of Police.

49.204 Employer.

Employer includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any Person as a Private Security Guard.

49.205 Firearms Certificate or Firearms Certification.

Firearms Certificate or Firearms Certification means the certificate or certification issued by the Chief of Police to a Private Security Guard to possess a firearm on Tribal Lands consistent with Subchapter V.

49.206 Law Enforcement Officer.

Law Enforcement Officer means a Person who is an employee of a Tribal, federal, state, county or a municipality and who, by virtue of that employment, has been vested with law enforcement powers consistent with the provisions of this Code and MCL 28.602.

49.207 License.

License means a license provided by the Chief of Police to a Private Security Guard or a Private Security Company to conduct Security Services on Tribal Lands consistent with Subchapter IV of this Chapter.

49.208 Licensee.

Licensee means the Person or entity who is granted a Private Security Guard License or Private Security Company License to perform Security Services as required by this Chapter.

49.209 Person.

Person includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, office, or an agent or employee of any of the foregoing.

49.210 Private Security Company.

Private Security Company means a Person or other entity licensed under this Chapter and engaged in the business or providing Security Services on Tribal Lands on a contractual basis.

49.211 Private Security Guard.

Private Security Guard means an individual who is licensed under this Chapter and principally employed as or typically referred to as one of the following:

- (1) Security officer or guard, including those on fire watch and those who maintain roadblocks; or
- (2) Patrol or merchant patrol service officer or guard; or
- (3) Armed escort or bodyguard; or
- (4) Armored vehicle guard; or
- (5) Crowd control officer or guard.

49.212 Qualifying Agent.

Qualifying Agent means an officer or manager of a corporation who meets the requirements set forth in this Chapter for obtaining a license to own or operate a Private Security Company on Tribal Lands.

49.213 Security Services.

Security Services means the performance of at least one of the following activities and is not limited to:

- (1) Observing, investigating, and/or reporting unlawful activity; or
- (2) Preventing or detecting theft or misappropriation of goods, money, or other items of value; or
- (3) Protecting individuals or property from harm or misappropriation; or
- (4) Taking enforcement action by physically detaining or ejecting persons from premises; or
- (5) Controlling access to protected premises; or
- (6) Any other act or duty deemed by the Board of Directors to be within the official scope of a Person's duties.

49.214 Tribal or Tribe.

Tribal or Tribe means the Sault Ste. Marie Tribe of Chippewa Indians.

49.215 Tribal Lands.

Tribal Lands means all lands consistent with Chapter 71.303 of the Tribe's Code.

SUBCHAPTER III: SCOPE

49.301 Scope.

This Chapter shall apply to all Persons providing Security Services on Tribal Lands, whether licensed or not. This Chapter shall be subordinate to the Tribe's Constitution and By-Laws and may be amended from time to time consistent with the determinations of the Board of Directors. Consistent with Section 49.502 of this Chapter, in no event shall this Chapter be interpreted to provide authorization to any Person to possess a firearm inside a Tribal casino or on the Tribal casino's property.

49.302 Exemptions.

The requirements of this Chapter do not apply to a Law Enforcement Officer who is engaged in the performance of the Officer's official duties.

SUBCHAPTER IV: LICENSING

49.401 Private Security Guard License- Minimum Requirements.

- (1) All Persons wishing to be employed as a Private Security Guard must meet the following minimum requirements to obtain a License to provide Security Services on Tribal Lands:
 - (a) Be at least twenty-one (21) years of age; and
 - (b) Be a citizen of the United States, a resident alien, or a member of a federally recognized tribe; and
 - (c) Have not been convicted of a felony; and
 - (d) In the last five years, have not had a misdemeanor conviction of any of the following:
 - (i) Dishonesty or fraud; or
 - (ii) Unauthorized divulging or selling of information or evidence; or
 - (iii) Impersonation of a law enforcement officer or employee of the Tribe, United States, or any state; or
 - (iv) Illegally using, carrying, or possessing a dangerous weapon; or
 - (v) Two or more alcohol related offenses; or
 - (vi) Controlled substances under the Tribe's Code; or
 - (vii) Assault.
 - (e) Have not been dishonorably discharged from the United States military; and
 - (f) Does not have any outstanding warrants for his or her arrest; and
 - (g) Be employed by or have an employment offer from a Tribally licensed Private Security Company or be a Tribally licensed Private Security Guard; and
 - (h) Submit a set of fingerprints to the Tribe's police department; and
 - (i) Pay any required fees for each application; and
 - (j) Submit a fully completed application that includes proper identification on a form prescribed by the Chief of Police for each Private Security Company of employment; and
 - (k) Submit proof of a satisfactory drug screening to the Tribe's police department.

49.402 Private Security Company License- Minimum Requirements.

- (1) In addition to meeting the minimum requirements to obtain a License as a Private Security Guard, an applicant, or in the case of an Employer, the Qualifying Agent must meet the following minimum requirements to obtain a License to own or operate a Private Security Company on Tribal Lands:
 - (a) Possess three years' experience as a manager, supervisor, or administrator in the private security business or a related field approved by the Chief of Police, or be at least twenty-one years of age and pass an examination determined by the Chief of Police to measure the Person's knowledge and competence in the private security business; and
 - (b) Possess a record with the Tribe that is free of instances of Unprofessional Conduct consistent with Section 49.404 of this Chapter; and
 - (c) Meet any insurance requirements consistent with the Michigan Department of Licensing and Regulatory Affairs; and
 - (d) Pay any additional fees established by the Board of Directors .
- (2) A Company License issued pursuant to this section may not be assigned or transferred.
- (3) No License to own or operate a Private Security Company may be issued to an applicant if the name of the Company portrays the Company as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word "police," as determined by the Chief of Police.

49.403 Investigation of Applicants and Licensees.

- (1) Applications for Licenses required under this Chapter shall be filed with the Chief of Police. The Chief of Police may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria listed in this Chapter.
- (2) The Chief of Police may investigate any applicant or Licensee for instances of Unprofessional Conduct as set out by Section 49.404 of this Chapter. The Chief of Police may take action as he or she deems appropriate based on the conclusion of such investigation, including but not limited to, disciplinary action, termination, suspension of a License, revocation of a License, or criminal prosecution to the fullest extent of the law.

49.404 Unprofessional Conduct.

The following acts or conditions shall constitute Unprofessional Conduct. These acts or conditions include, but are not limited to:

- (1) Knowingly violating any of the provisions of this Chapter or the rules adopted under this Chapter; or
- (2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this Chapter; or
- (3) Knowingly making a material misstatement or omission in the application for a License; or
- (4) Not meeting the qualifications set forth in this Chapter; or
- (5) Carrying a firearm in the performance of a Private Security Guard's duties if not the holder of a valid Firearm Certificate, or carrying a firearm not meeting the provisions of this Chapter while in the performance of his or her duties; or
- (6) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the Private Security Guard by an Employer; or
- (7) Making any statement that would reasonably cause another Person to believe that the Private Security Guard is a Law Enforcement Officer; or
- (8) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned; or
- (9) Attempting to assign or transfer any License or Certification issued pursuant to the provisions of this Chapter.

49.405 Authority of the Chief of Police.

The Chief of Police has the following authority in administering this Chapter:

- (1) To propose the adoption, amendment, and rescission of the rules within this Chapter to the Board of Directors; and
- (2) To work with the Board of Directors and the Tribe's legal department to adopt standards of professional conduct or practice; and
- (3) To use his or her discretion in determining whether an applicant is qualified for a License or Certification; and
- (4) To use his or her authority to enforce this Chapter.

SUBCHAPTER V: FIREARM POSSESSION

49.501 Tribal Facilities Exception.

This Chapter shall not apply to a Law Enforcement Officer or an authorized bailiff acting in his or her official capacities within the Tribe's Courts, justice centers, and community. Such qualifying firearm shall be approved by the Tribe's Chief of Police prior to being carried on duty.

49.502 No Firearms in Tribal Casinos.

No provision within this Chapter shall be interpreted to mean a Person, including a Private Security Guard or Private Security Company, may possess or be licensed to possess a firearm in the Tribe's casinos at any time.

49.503 Private Security Guard Firearm Certification.

- (1) Any Private Security Guard licensed under this chapter may submit an application to the Chief of Police for a Firearm Certification.
- (2) The Chief of Police shall review each Firearm Certification application and use his or her discretion to approve or deny such application consistent with the contents of this Chapter, including Section 49.502.
- (3) The Firearm Certification applicant must obtain a separate Certification for each firearm they wish to utilize in their duties.
- (4) It shall be the responsibility of the Employer to ensure that the armed Private Security Guard demonstrates and documents proficiency standards on an annual basis with each firearm that he or she is Certified to use. The Chief of Police may request such proof of proficiency from a Private Security Guard or a Private Security Company at any time. The Private Security Guard or Private Security Company shall provide proof of proficiency in writing to the Chief of Police within forty-eight (48) hours of request.
- (5) At the Chief of Police's discretion, the Chief of Police may revoke, suspend, or deny any Firearm Certification based on any act of Unprofessional Conduct or condition that threatens the health, safety, or welfare of the Tribe.
- (6) A Firearm Certification applicant must possess and maintain at all times a valid Concealed Pistol License issued by the State of Michigan.