December 15, 1978 TRUST TERRITORY OF THE PACIFIC ISLANDS HEADQUARTERS, SAIPAN, MARIANA ISLANDS Volume 2 Number 10 Page 759 - 807



IN THE SPOTLIGHT

PROPOSED REGULATIONS ADOPTED AMENDMENTS TO REGULATIONS

territorial

register

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territorial register

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## PROPOSED REGULATIONS

## PUBLIC NOTICE

## PROPOSED AMENDMENTS TO ADOPTED REGULATIONS CONCERNING TEACHER CERTIFICATION TITLE 41, CHAPTER 1, SECTIONS 21 AND 24

In accordance with provisions of Section 32 of Chapter 1, Title 41 of the Trust Territory Code, the Director of the Bureau of Education proposes to amend Adopted Regulations on Teacher Certification upon advice of the Micronesia Board of Education in accordance with Section 7 of said Chapter and Title.

The proposed amendments are as follows:

- 1. Delete in their entirety the following Parts: 2.1 (B), 2.2 (B), and 2.3 (A).
- 2. Amend the following Parts to read as shown herein.
  - 2.1 Teacher Certification in the Trust Territory shall be of three types: . . .
  - 2.1 (C) Continuing: valid for a period of three years subject to the provisions set forth below. Minimum qualifications for a Continuing Certificate are the attainment of an Associate degree. Teachers with certification from another country shall also be granted a Continuing Certificate subject to provisions set forth below in 2.2 (C).
  - 2.2 (C) A Continuing Certificate, valid for a period of three years, will be granted to all teachers who achieve or have achieved an Associate degree or higher, and to all teachers who hold a valid teaching certificate from another country provided they have achieved the equivalent of an Associate degree or higher. For teachers who have not yet attained the Bachelor's degree, the Continuing Certificate is renewable upon acquisition of six additional semester hour credits during the three-year period.
  - 2,5 (A) Temporary Certificates may be granted by District Directors of Education. . .

Anyone interested in commenting on the proposed amendments may do so by submitting written comments to the Director, Bureau of Education, T.T.P.I., Saipan, Mariana Islands 96950 within 30 days from the date this notice is published in the Territorial Register.

David Ramařui

Director Bureau of Education

## TITLE 21 AERONAUTICS CHAPTER 1

REGULATIONS FOR THE USE OF TRUST TERRITORY CIVIL AIRPORTS

## PART 1. GENERAL PROVISIONS

- A. AUTHORITY. These regulations are promulgated and issued by the Director of the Bureau of Transportation and Communications pursuant to the authority granted him by Public Law 7-35.
- B. PURPOSE. The purpose of these regulations affecting all civil airports of the Trust Territory is to insure to the general public safe and convenient access to and use of public air travel facilities compatible with the general welfare of the people. Accordingly, these regulations are intended to harmonize and coordinate such public laws as may affect the operations, maintenance and use of airports and to promote and establish standards most conducive to the attainment of the above-mentioned purpose.
- C. DEFINITION. As used herein, unless the context otherwise requires, the term:
  - 1. "Bureau" means the Bureau of Transportation and Communications.
  - 2. "Director" means the Director of Bureau of Transportation and Communications or his duly authorized representatives.
  - 3. "Airport Manager" means the person duly appointed by the Director to have immediate supervision of administration and operation of an airport.
  - 4. "Civil Airport" means any area of land or water under public or governmental ownership or control which is directly or indirectly used or intended for use for the landing and take-off of aircrafts as well as any area or areas used in support of or in conjunction with the landing and take-off of aircrafts. The following are the civil airports of the Trust Territory of the Pacific Islands.

Babelthuap/Koror Airport Yap International Airport Truk International Airport Ponape International Airport Marshall Islands International Airport Kosrae International Airport - when such a facility has been established and is in existence.

5. "Airport Property" means and includes any portion of a civil airport under the jurisdiction of the Director for reasons of safety as may be established by appropriate authority concerned, for the use of existing and future expansion of the airport. It shall include but not be limited to the primary areas, clear

zones, approach zones and transitional areas as such zones and areas are designated by the Director.

- 6. "Airport Roadways" means any portion of a civil airport used by vehicles to, from or between the public streets which connect with such roadways and the various buildings and land areas at a civil airport abutting upon such roadways that may be used by pedestrians as a means of ingress and egress to, from and between airport and connecting sidewalks or adjoining areas.
- 7. "Cargo Ramp and Apron Areas" means and includes any portion of a civil airport designated temporarily or permanently by the Director: for the loading and unloading of cargo, mail and supplies on or off aircraft; for the performance of operations commonly understood in the trade as being "Ramp Service" and/or, for the parking of mobile equipment when actively used in connection with such operations.
- 8. "Air Carrier" means and includes any person engaged in the business of carrying passengers or cargo or both by air for hire under a certificate of public convenience and necessity issued by the appropriate governmental authority.
- 9. "Aircraft" means and includes any and all contrivances now or hereafter used for flight in air space including but not limited to airplanes, airships, dirigibles and seaplanes.
- 10. "Aircraft Parking and Storage Areas" means and includes any portion of a civil airport designated temporarily or permanently by the Director for the parking and storing of aircraft for the servicing of aircraft with fuel, lubricants and other supplies and for making minor or emergency repairs to the aircraft.
- 11. "Controlled Airport" means any civil airport at which there is a control tower which directs the movement of aircraft within the operational area and in the air.
- 12. "Fuel Handling" means the transporting, delivering, sorting, fueling and draining of fuel or other petroleum products.
- 13. "Fuel Storage Area" means and includes any portion of a civil airport designated temporarily or permanently by the Director or the Airport Manager for the storing and loading of gasoline, turbine engine fuel, or any other type of fuel or petroleum products used for aeronautical purposes.
- 14. "Landing Area" means and includes any portion of a civil airport designated temporarily or permanently by the Director or Airport Manager for the landing and take-off of aircraft.
- 15. 'Maintenance Area'' means any portion of a civil airport designated temporarily or permanently by the Director or Airport Manager for the overhaul, repair and storage of aircraft.
- 16. 'Mobile Vehicles' means any towed equipment or device, except

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aircraft, by which persons or property may be transported.

- 17. "Motor Vehicles" means any self-propelled vehicle and includes automobiles, trucks, buses, motorcycles and other selfpropelled devices, except aircraft, by which persons or property is or may be transported.
- 18. "NOTAM" means notices to airmen disseminated by the Director.
- 19. "Operational Area" means any portion of a civil airport from which the public is restricted by fences or appropriate signs and not leased or demised to anyone for exclusive use and shall include apron areas, fuel storage areas, maintenance areas and landing areas.
- 20. "Operator" means the owner or operator of an aircraft or any person who has rented or otherwise has the use of such aircraft for the purpose of operation by himself or his agents.
- 21. "Authorize" means written consent granted by the Director except that verbal consent may be granted under special circumstances where the obtaining of a written consent would not be practicable.
- 22. "Person" means any individual, firm, partnership, co-partnership, corporation, trust, association, company, joint venture or any other legal entity.
- 23. "Public Vehicular Parking" means any portion of a civil airport designated temporarily or permanently by the Director or the Airport Manager for the purpose of parking motor vehicles.
- 24. "Vehicles' means and includes both mobile vehicles and motor vehicles as defined herein.

## PART II. MOTOR VEHICLES REGULATIONS ON PUBLIC AIRPORT PROPERTY

- A. GENERAL
  - 1. Traffic Codes and District Ordinances. The traffic codes and any other applicable ordinances as they may be amended from time to time, of the particular district in which the civil airport is located shall apply to the operation of motor vehicles on the civil airport just as though the said parking areas and roadways are part of the public streets, roads or highways of the particular district involved and by reference are hereby incorporated in these regulations and made a part hereof as though fully cited herein.
  - 2. Licensing and Safety Inspection. No motor vehicles, except aircraft servicing vehicles used exclusively within the civil airport, shall be operated in or on a civil airport unless such vehicles are currently licensed by the Bureau of Public Safety and have the required evidence of a safety inspection.

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- 3. <u>Operation of Motor Vehicles</u>. No motor vehicles shall be operated in a careless or negligent manner, in disregard of the rights and safety of others, without due caution, at a speed or in a manner which endangers or is likely to endanger persons or property, while the operator thereof is under the influence of intoxicating liquor, narcotics or habit-forming drugs or, if such vehicles are so constructed, equipped, loaded or in such other condition as to endanger or likely to endanger persons or property.
- 4. <u>Traffic Controls</u>. All vehicular traffic must comply with any lawful order, notice, signal or direction of any police officer.
- 5. <u>Speed Limits</u>. All motor vehicles shall be operated on a civil airport in strict compliance with speed limits prescribed and posted by the Director or the Airport Manager.
- 6. <u>Buses, Limousines and Taxis</u>. No buses, limousines, taxis or other vehicles for hire shall load or unload passengers at a civil airport at places other than those designated for such purpose by the Director, or the Airport Manager.
- 7. <u>Parking</u>. All operators of motor vehicles at a civil airport shall park their vehicles only at the places and for the duration prescribed by the Director or the Airport Manager in accordance with officially posted signs. Except as otherwise authorized by the Director or the Airport Manager no person shall stop, park, or permit to remain halted a motor vehicle in a civil airport:
  - (a) in front of a driveway,
  - (b) within a bus stop safety zone or taxi cab zone,
  - (c) on the roadway beside any stopped or parked vehicle (double parking),
  - (d) within fifteen feet of a fire hydrant.
- 8. <u>Application</u>. These rules and regulations shall apply with equal force to motor vehicles on lease, rent or loan to any persons.
- B. OPERATIONAL AREA.
  - 1. <u>Motor Vehicle Operator's Permit</u>. No person shall operate a motor vehicle in any operational or restricted area without an airport motor vehicle operator's permit issued to him by the Director or Airport Manager.
  - 2. <u>Authorized Vehicles</u>. A motor vehicle may enter the operational area only after it has been issued a decal or permit by the above Authorities authorizing such entry.
  - 3. <u>Applications</u>. Application forms either for an airport motor vehicle operator's permit or for a decal of permit which authorizes the entry of motor vehicles into operational area may be obtained at the Office of the Airport Manager. Such application forms shall be accompanied by such fees as may be prescribed by the Director;

which fee shall be sufficient to cover the reasonable cost of processing such application.

- 4. Limitations. The Director may limit the use of any motor vehicle in the operational area to a specified portion thereon.
- 5. <u>Vehicles Around Aircraft</u>. When an aircraft is parked in the operational area at a loading position, the space between the aircraft and terminal building shall not be used by vehicles except that motor vehicles necessary for servicing parked aircraft may use such space.
- 6. <u>Priorities</u>. Except for emergency motor vehicles, the operators of taxing aircraft shall have first priority of movement over all other vehicular traffic in the operational area. The operators of towed aircraft shall have second priority.
- 7. <u>Entrance and Exit</u>. Motor vehicle operators shall use only designated entrances or exits to enter or leave the operational area.
- 8. Speed limits. Unless authorized by the Director or the Airport Manager, no person in the operational area shall operate a motor vehicle at a speed:
  - (a) more than ten(10) miles an hour on any apron or ramp;
  - (b) more than twenty-five(25) miles an hour on any taxiway or other aircraft movement area other than apron and ramps; or,
  - (c) in excess of the speed limit prescribed and posted by the Bureau for any part of the operational area not covered by (a) and (b).

## PART III.

- A. USE OF AIRPORTS, GENERAL
  - 1. <u>Aircraft Operations</u>. Any person navigating any aircraft in the air space above or in the vicinity of land and any person taxing or flying aircraft or conducting any aircraft operation upon or from civil airports must act, and in all respects be, in strict compliance with International Standards, Rules of the Air, Annex (2) to the Convention on International Civil Aviation. No experimental flight or ground demonstration shall be conducted on above or in the vicinity of a civil airport without the written permission of the Director.
  - 2. Airport Air Traffic Regulations. All aircraft operations shall comply with established traffic patterns, including noise abatement procedures, for each district civil airports as may be published by the Department.
  - 3. <u>Radio Equipment</u>. No person shall operate any aircraft to, from or on the civil airport if such aircraft is not equipped with an

operable two-way radio capable of communicating with the airport flight information service station on such frequencies as may now be in use or hereafter established for such use.

- 4. <u>Clearing Runway</u>. The operators of aircraft landing at a civil airport shall make the landing area available to other aircraft by clearing their aircraft from the active runway as expeditiously as possible.
- 5. <u>Unsafe Landing Area</u>. The use of unsafe landing areas is prohibited for all aircraft operation. Such areas shall be marked when practical with appropriate obstruction or hazard markings.
- 6. <u>Maintenance of Aircraft</u>. Washing, cleaning and maintenance of aircraft shall be undertaken only in areas designated for these purposes by the Director or the Airport Manager.
- 7. Abandoned or Unattended Aircraft. If any aircraft is parked or left unattended in an unauthorized area at a civil airport and if the operator of such aircraft cannot be reasonably contacted, the subject aircraft may be removed and stored by the Airport Manager at the operator's risk and expense and the Airport Manager will not be liable for any damage resulting from the moving and storing of the subject aircraft. Thirty(30) days after such removal and storage, the Airport Manager will notify the Director for instruction regarding the disposal of the aircraft. The Director may instruct that the aircraft be disposed of by public sale or private sale, provided that there is a reasonable publication of notice of such sale and that any such sale is conducted in accordance with applicable law. Proceeds of the sale shall first be applied to all charges and fees arriving in connection with such aircraft and owing to the Bureau or the district government. Any balance shall revert to the airport trust account created under Sec. 12 of PL 7-35.
- 8. <u>Removal of Aircraft</u>. The operator of any aircraft parked or stored at a civil airport shall move said aircraft from the place where it is parked or stored to any other designated place upon the order of the Director or the Airport Manager. If the operator refuses to comply with the Director's or the Airport Manager's order, the Director or the Airport Manager may have or cause the subject aircraft to be moved to another designated place at the operator's risk and expense and the Director or the Airport Manager will not be liable for any damage which may result from moving the subject aircraft.
- 9. Aircraft Accident. No person shall disturb or move any items of aircraft wreckage or records therefrom unless permission is granted by the Director except where necessary:
  - (a) to give aid and assistance to persons injured or trapped in aircraft wreckage;
  - (b) to protect such wreckage or records therefrom from further

damage;

- (c) to protect the public from injury or death.
- 10. Disabled Aircraft. Aircraft operators shall be responsible for the prompt removal of disabled aircraft and parts thereof unless directed to do otherwise by the Director or other Governmental officials having authority to delay such removal pending an investigation of the accident. The removal of the disabled aircraft shall be under the supervision of the Director and conducted in compliance with the Director's instruction. The Director may remove the disabled aircraft and store same at the operator's risk and expense at any location and the Director will not be liable for any damages which may result from such removal or storage.
- 11. Accident Reports.
  - (a) The operator of any aircraft involved in an accident occuring on or within a civil airport and all persons involved in such accidents shall make reports thereof and give their names and addresses to the Director as soon after the accident as possible.
  - (b) In the event a written report of the accident is required by international regulations, a copy of that report may be substituted in place of the one required in Item (a) of this subsection.
- 12. Director's Power to Restrict Aircraft Operations. The Director may close any airport or any portion thereof at any time he deems such action is necessary in the interest of safety to persons or property. The Director may prohibit or delay landings, takeoffs and any other movement of aircraft at any time he deems such action is necessary in the interest of safety to persons or property. Notice and details of such action will be publicized through the issuance of appropriate NOTAMS. Additionally, the Director may deny the use of a civil airport to any aircraft operator or pilot who is violating or has violated the laws or regulations of the Trust Territory.
- 13. <u>No Smoking</u>. No person shall smoke or carry a lighted cigarette, cigar, pipe, match or any flame on or upon the operational area.
- 14. <u>Non-payment of Airport Charges.</u> The Director may refuse clearance for the departure from civil airports of any aircraft if the registered owner of such aircraft has not arranged for payment of all charges that may have been incurred by or on behalf of said aircraft or owner and which are then due and payable to the Director.
- B. SCHEDULE OF LANDING FEES AND PARKING FEES.
  - 1. Landing fees. Landing fees will be charged on all aircraft operators on all arrivals of aircraft at a rate equal to \$0.60 per 1000 pounds of the maximum gross allowable landing weight of the aircraft. Minimum charge shall be \$5.00 per landing. All
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aircraft shall pay this landing fee with the following exceptions.

- Exception 1. Aircraft owned and/or operated by the Trust Territory Government, U. S. Military aircraft, aircraft belonging to any bona fide agency of the U. S. Government, foreign Diplomatic aircraft, aircraft returning after take-off for emergency reasons and aircraft conducting emergency and medical evacuation on behalf of the Trust Territory Government at no cost to the Government are hereby exempted from payment of landing fees.
- Exception 2. A scheduled air carrier serving more than three districts shall pay a rate of charge on all landings equal to \$0.10 ten cents (10¢) per 1000 • pounds of the maximum gross landing weight. Minimum charge shall be \$2.50.

Except for those operators who have credit arrangements with the Director in connection with payment of landing fees all payment of landing fees shall be made by the pilot to the Airport Manager prior to the departure of each flight.

The Airport Manager shall deposit all collected landing fees with the District Finance officer for crediting to the District Airport trust account created under Sec. 12 of PL 7-35.

- 2. <u>Parking Fees</u>. Facilities and Services. Rates for parking fees at all Trust Territory Airports shall be as follows:
  - a. Commercial aircraft with maximum landing weight of 6,000 lbs. or less:

Per day	\$ 1.00
Per week	\$ 5.00
Per month	\$ 15.00

b. Non-Commercial aircraft with maximum landing weight of 6,000 lbs. or less:

Per day	No charge
Per week	\$ 5.00
Per month	\$10.00

c. Commercial and Non-Commercial aircraft with maximum landing weight of over 6,000 lbs.

Per day	<b>\$ .15 per 1000 lbs.</b>	Minimum (\$1)
Per week	\$ .70 per 1000 lbs.	Minimum (\$5)
Per month	\$2.50 per 1000 lbs.	

3. <u>Application of Charges</u>. Daily rates apply to all aircraft stored or parked in excess of six hours on the ramp or any other designated area, except those aircraft hangared or parked on property under lease or rental agreement. The weekly rate is determined on a calendar basis and applies when the total of

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daily rates equals or exceeds the weekly rate. The monthly rate is also determined on a calendar basis and applies when total weekly rates equal or exceeds the monthly rate.

## C. AIRCRAFT TRAFFIC

- 1. <u>Starting Engine</u>. The engine or engines of an aircraft shall be started or warmed up only by qualified persons and only at places designated for such purpose by the Director.
- 2. <u>Taxiing in Hangars</u>. No aircraft shall be taxied into or out of a hangar under its own power.
- 3. Taxiing and Moving Aircraft. Any aircraft being taxied or towed or otherwise moved must be under full control at all times and must move or be moved at a safe and reasonable speed. The person attending the controls of such aircraft must be in contact at all times with the control personnel who are responsible for the taxiing, towing and other movement of aircraft. In the event an operative radio is not available in the aircraft, or the vehicle used in moving it, the person responsible for moving the aircraft shall first contact the Airport Manager for complete moving instructions.

## D. FUELING HANDLING

- 1. Hoses and Connections. Fueling or de-fueling shall be achieved through hoses and connections meeting the standards of the TTPI Department of Public Safety.
- 2. <u>Grounding</u>. During all fuel handling operations the aircraft and fuel dispensing apparatus must be satisfactorily grounded to prevent static ignition of volatile liquids.
- 3. Distance. Aircraft fuel handling shall be conducted at least fifty(50) feet away from any hangar or building.
- 4. Fire Extinguishers. During fuel handling operations involving any aircraft regardless of its size or number of engines, at least two carbon dioxide fire extinguishers of at least fifteen(15) pounds shall be ready and available for immediate use. However, the fueling of single engine aircraft requires the presence of only one such fire extinguisher.
- 5. Spark Prevention. During fuel handling for or relating to any aircraft, no person shall operate any radio transmitter or receiver in such aircraft or switch electrical appliances on or off in such aircraft other than necessary fuel transfer pumps. Nor shall any person within fifty(50) feet of such aircraft do any act or use material which may or is likely to cause sparks. However, during fuel handling of turbine-powered aircraft the use of certain radio and electrical-devices is permissible if authorized by the Director.

- 6. <u>Passengers</u>. Passengers are not to be permitted to remain on the aircraft being fueled unless:
  - (a) The cabin exit door is opened;
  - (b) a cabin attendant is at such door; or
  - (c) a passenger ramp or other safety devices designed to assure rapid debarkation of passengers is in position at the cabin exit door.
- 7. <u>Personnel</u>. Only personnel engaged in fuel handling or in the maintenance and servicing of the aircraft being fueled are permitted within fifty(50) feet of the fuel tank of such aircraft during fuel handling.
- 8. Smoking. Smoking is prohibited in or within fifty(50) feet of any aircraft during fuel handling.
- 9. <u>Dump Valve Testing</u>. Aircraft dump valves shall be tested only in the areas designated for this purpose by the Director.
- 10. <u>Overflow or Spillage</u>. Persons engaged in aircraft fueling shall exercise dilligence and care to prevent overflow or spillage of fuel and generally avoid creating any combustion hazard. Should spillage occur it shall be the operator's responsibility to remove or neutralize the volatile liquid immediately.
- 11. <u>Aircraft Engines</u>. The engines of the aircraft involved in any fueling operation as well as the engines of any aircraft within fifty(50) feet of the fuel handling process shall not be started until the completion of thefueling operation.
- 12. Electrical Storm. All fueling operations shall be conducted with caution during an electrical storm. In the event of an electrical storm causing or likely to cause severe disturbance as determined by the Director, all fueling operations shall cease and be suspended until the storm subsides.
- 13. Fire-Aircraft Crash. In the event of either a fire or an aircraft crash no fueling operation shall be conducted in the vicinity of such fire or crash. The Director, Fire Chief or his designee, shall determine the distances from such fire or crash beyond which fueling operation may be conducted.
- 14. <u>Supplementary Directives</u>. The Director may issue directives or instructions regarding operating procedures necessary to implement the full spirit and intent of the foregoing regulations.
- E. AIRCRAFT PARKING
  - 1. <u>Parked Aircraft</u>. The Operator of an aircraft shall park the <u>aircraft only</u> in areas designated for such purposes by the Director or the Airport Manager. The main landing wheels of every parked aircraft shall be chocked with blocks or other approved devices and the brakes set except in cases where other procedures are approved by the Director.

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- 2. <u>Ramp and Apron Area</u>. Except in an emergency no aircraft shall remain on the passenger ramp and apron for more than fifteen (15) minutes after all normal loading, unloading and ramp service has been completed and departure clearance has been issued.
- 3. <u>Lights</u>. Aircraft parked in either a passenger ramp and apron area or cargo ramp and apron area shall have running lights or acceptable hazard lights turned on during the hours between sunset and sunrise and at such other times as may be required by the Director.

## F. HELICOPTERS

- 1. Operators. Only helicopter pilots certificated by the Trust Territory of the Pacific Islands Government, United States, Federal Aviation Administration and appropriate authorities of ICAO member states, shall be authorized to conduct helicopter taxiing operations at a civil airport.
- 2. <u>Taxiing</u>. The operators of helicopters shall not taxi, tow or otherwise move same unless there is a clear area at least fifty (50) feet from the outer tips of each rotor.
- 3. <u>Parking</u>. Helicopters shall have braking devices or rotor mooring blocks applied to the rotor blades.
- 4. <u>Motorless Aircraft</u>. Except in an emergency, motorless aircraft such as gliders, sail planes, etc. may not land or take-off at a civil airport without first obtaining permission from the Director or Airport Manager.

## PART IV. CONDUCT OF THE PUBLIC

- 1. Obstruction of Public Use. No person shall travel on any portion of a civil airport except upon the roads, walkways or places provided for that particular class of traffic nor shall any person occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
- 2. <u>Restricted Areas</u>. Except for persons assigned to duty therein, no person shall enter any restricted areas of a civil airport without permission.
- 3. <u>Entrance to Operational Areas</u>. The operational areas are closed to the Public. No tenant, either corporate or personal, shall permit any unauthorized person to enter any ramp either by private or common use passageways or through private areas. No person shall enter upon the runway, ramp and apron area or cargo ramp and apron area without authorization except those entering upon the public ramp areas for purpose of embarkation or debarkation.
- 4. <u>Disorderly Conduct</u>. Any person who commits any disorderly or obscene act at a civil airport may be barred from such airport

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by the Director or his duly authorized representative.

- 5. Preservation of Property. At a civil airport no person shall:
  - (a) destroy, injure, deface or disturb in any manner any buildings, signs, furniture, equipment, markers, trees, flowers, lawn or other structures or property;
  - (b) walk or operate a vehicle on lawns and seeded areas; or,
  - (c) abandon any personal property.
- 6. <u>Waste Articles</u>. No person shall discard any paper, cigar, cigarette, bottle or any waste or refuse material on the grounds of a civil airport except in receptacles provided for such purposes.
- 7. Loitering. No person shall loiter in or about a civil airport.
- 8. <u>Gambling</u>. No person shall gamble or conduct gambling devices at any civil airports.
- 9. <u>Explosives</u>. No person shall store, keep, handle, use, dispense or transport any explosive or other dangerous articles which are barred from civil aircraft by International Civil Air Regulations within the airport property.
- 10. Lost and Found Articles. Any persons finding lost or misplaced articles at an air terminal shall turn same over to the Airport Manager. Articles unclaimed by the owner within (90) days after it was found will be disposed of as prescribed by district ordinances. Nothing in this section will be construed to deny the right of air carriers to maintain lost and found services for its passengers.
- 11. <u>Director's Power</u>. The Director shall at all times have authority to take any action deemed by him convenient or necessary to protect or safeguard persons and/or property.

## PART V. COMMERCIAL ACTIVITIES.

1. <u>General</u>. No person shall engage in any business or commercial activities in or at a civil airport without the permission of the Director except those commercial activities already in existence through agreements, contracts and licenses issued by the District Administrator.

## PART VI. EFFECTIVE DATE

1. These regulations shall repeal and supercede Trust Territory Landing Fees and Parking Charges at Trust Territory Airport Regulations (Chapter 1, published in 1 Territorial Register No. 11), and shall become effective ten (10) days after publication in the Territorial Register.

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## Approvals For Regulations

## Title 21

## Use of Trust Territory Civil Airports

The regulations concerning the Use of Trust Territory Civil Airports have been reveiwed by me and are found to be in proper legal form.

11/20/78 Date

Danie Attorney General

The regulations concerning the Use of Trust Territory Civil Airports, Title 21 of the Trust Territory Code, have been promulgated by the Bureau of Transportation and Communications and are hereby approved.

1/20/78 Date

Adrian P. Winkel High Commissioner

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## ADOPTED AMENDMENTS TO REGULATIONS

Title 69, Public Officers and Agencies

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#### ARTICLE I

# MICRONESIA POLICE

- A. There shall be a police force to be known as the Micronesia Police consisting of an armed, uniformed and trained group of men, divided into district detachments in sufficient number and ranks to effectively maintain law and order within the Trust Territory. The Micronesia Police shall function under the general supervision of the Attorney General and such technical supervision as the High Commissioner shall appoint from time to time.
- B. A detachment of Micronesia Police shall be organized in each District of the Trust Territory by voluntary recruitment. The district police shall function under the immediate supervision of the District Administrator.
- C. There shall be a Chief of Police for each district of the Trust Territory who shall be responsible to the High Commissioner through the District Administrator and the Attorney General. Chiefs of Police shall be appointed by the High Commissioner from the nominations submitted by the District Administrator. A Chief of Police shall serve at the pleasure of the High Commissioner but not longer than three years unless reappointed. Each District Administrator may appoint an acting Chief of Police in case of death, incapacity or prolonged absence of the Chief of Police. Such acting Chief of Police shall serve until removed or until formal appointment by the High Commissioner, or return of the Chief of Police.
- D. The Chiefs of Poince Shall:
  - 1. Plan, organize, staff, direct and control the personnel and resources of District Public Safety in a manner consistent with the Rules and Regulations of the Attorney General.
  - 2. Be responsible for the preservation of public peace; the protection of the rights of persons and property; the prevention of crime; the detention and arrest of offenders and the enforcement of all laws of the Trust Territory and District ordinances.
  - 3. Train, equip, maintain and supervise public safety personnel.
  - 4. Serve processes and notices both in civil and criminal proceedings.
  - 5. Promulgate General Orders or other such directives as may be necessarv for the organization and internal administration of District Public Safety.
  - 6. Supervise the prisons and jails for the district and be responsible for the receipt, proper treatment, housing, feeding and clothing of all persons committed to his charge.
  - 7. Require that every Public Safety Officer, to include reserve officers, take the Oath of Office and have it filed in the Department of Personnel before entering upon their duties. This does not apply when justified by an officially declared state of emergency or otherwise provided by law.

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- 8. In an emergency, appoint or deputize responsible citizens as Special Police Officers. Such officers shall be amenable to the authority of the Chief of Police as set forth in this and other laws, and shall have the police powers vested in the Public Safety Department by this or other laws. Special police officers shall serve at the pleasure of the Chief of Police for no longer than ten working days. Provided, the Director of Personnel may extend such appointment for an additional period not to exceed twenty working days.
- 9. Perform such other duties as required by law.
- E. The Micronesia Police shall be administered and operated under rules and Regulations issued by the Attorney General, who, with the approval of the High Commissioner, shall have the power to prescribe such rules and regulations as he may deem advisable. Such rules and regulations shall have the force and effect of Law.

#### ARTICLE II

#### APPOINTMENTS

- A. All appointments to District Public Safety shall be made by the Chief of Police from an eligibility list prepared by the Bureau of Personnel.
- B. All appointments of Public Safety Officers by the Chief of Police shall be in writing and shall be of the following form:

DEPARTMENT OF PUBLIC SAFETY DISTRICT

#### PUBLIC SAFETY OFFICERS COMMISSION

Be it Known:

That by virtue of the authority in me invested by law, I do hereby appoint\_\_\_\_\_\_\_, to be a public safety officer for and within the District of \_\_\_\_\_\_\_, Trust Territory of the Pacific Islands, with such rank, grade, or rating as may from time to time be fixed by competent authority in conformity with Rules and Regulations of the Attorney General. To have and to hold this Commission subject to the laws of the Trust Territory and said Rules and Regulations now or hereafter in force, this appointment to take effect on the day of \_\_\_\_\_\_

At \_\_\_\_\_ District, Trust Territory of the Pacific Islands on the day of 19 .

Chief of Police

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#### ARTICLE III

#### OATH OF OFFICE

Upon appointment to Public Safety, every officer, to include reserve officers, before entering upon his duties shall take and shall have filed in the servicing Bureau of Personnel Office, an oath which shall be in the following form:

#### OATH OF OFFICE

I, \_\_\_\_\_\_, solemnly swear that I will faithfully support the laws of the Trust Territory of the Pacific Islands and the laws of my District, and that I will conscientiously and impartially discharge my duties as a Public Safety Officer in the Public Safety Department of \_\_\_\_\_\_ District and any and all other duties devolving upon me in connection with such office. So help me God.

Subscribed and sworn to before me this day of \_\_\_\_\_ 19\_\_\_\_.

#### ARTICLE IV

#### APPLICABILITY, AMENDMENT, REPEAL AND PUBLICATION OF RULES AND REGULATIONS

#### A. APPLICABILITY

- 1. Public Safety Officers and employees shall be subject to all Rules and Regulations of the Attorney General and District Public Safety Directives at all times whether on or off duty; including all periods of absence whether authorized or unauthorized.
- 2. These Rules and Regulations supercede and rescind Regulation 10-74, Micronesia Police as published in the Territorial Register, Volume 1, No. 2, August 15, 1974.

#### B. AMENDMENT AND REPEAL

- 1. The Attorney General reserves the right and power to alter, amend, revoke or repeal these rules and regulations. However, such action shall be preceeded by consultation with the Chiefs of Police and subject to the approval of the High Commissioner.
- 2. All Rules and Regulations, and amendment thereof, unless otherwise provided therein, shall take effect immediately upon approval of the High Commissioner.

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#### C. PUBLICATION OF RULES

- 1. All amendments to the Rules and Regulations of the Attorney General shall be posted on a bulletin board in each district public safety facility. Such copy shall be so posted for a period of one (1) week.
- 2. All Supervisory officers shall keep a true and complete copy of all Rules and Regulations of the Attorney General then in force, which shall be available for inspection by any public safety officer or employee.
- D. No rule or regulation shall be so construed as to constitute a contract on the part of the Attorney General to do or not to do any particular act or acts, or to continue in force any rule or regulation.
- E. To the extent Public Safety regulations conflict with the regulations of any other Trust Territory Government Agency, Public Safety regulations shall prevail.

#### ARTICLE V

#### COMMAND

- A. Supervisory officers shall be responsible for adherence to the Rules and Regulations of the Attorney General, District Directives and procedures. They shall maintain discipline, and shall provide leadership and supervision to ensure efficiency of unit operations.
- B. Supervisory officers must command and require that their lawful orders be obeyed and adhered to. They shall:
  - 1. Lead, direct, train, guide and supervise officers in their assigned duties.
  - 2. Evaluate and recommend subordinates for promotion.
  - 3. Support the actions of subordinates who act properly within the scope of their official duties.
  - 4. Administer disciplinary action in accordance with these Rules and Regulations and District Directives.

#### ARTICLE VI

#### STANDARDS

A. <u>PERSONNEL RECRUITMENT:</u>

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#### C. EQUIPMENT

- 1. Uniform and Auxiliary Equipment
  - a. Each Chief of Police shall develop and designate complete standard specifications for apparel and equipment to be issued to every uniformed Public Safety Officer. Each officer shall be highly visible, easily identifiable, and readily distinguishable from other uniformed persons. This should not, however, be accomplished at the expense of physical comfort.
  - b. Each police chief shall require that the officer's uniform identifies the wearer by name and department.
  - c. Each district shall designate specifications for all items of auxiliary equipment to be worn or carried by its uniformed officers. For intradepartment uniformity, the approved type, size, weight, color, style and other relevant variables of each auxiliary equipment item, along with the position on the uniform or belt where it is to be worn or carried, shall be specified in writing.
  - d. Each Chief of Police shall implement procedures for daily uniform inspection.
- 2. Shoulder Patch

- 3. Badges and Cap Shields
  - a. All district Public Safety officers shall wear or carry a badge of the design approved by the Chief of Police. Such design shall incorporate the following:
    - 1. The rank of the bearer.
    - 2. An identification number.
    - 3. Color differential for rank, i.e. Gold plated for supervisory officers, sergeant and above, rhodium for public safety officers.
  - b. Cap shields shall be of the same design and contain matching identification numbers with the badges.

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Recruitment of public safety personnel shall be made by the servicing Personnel Officer in accordance with the following standards:

1. Age Requirement

Applicant for Public Safety Officer must be between the ages of twenty-one (21) and thirty-five (35).

- 2. Physical Qualifications
  - a. Applicants shall, prior to acceptance, be given a thorough physical examination and shall be disqualified if found to have any communicable or contagious disease, or any permanent organic disability.
  - b. Public Safety applicants may be required to meet an acceptable weight standard according to their height and age as may be determined by a competent district physician.
  - c. Applicants may be required to submit to a Strength Requirement Test at the discretion of the District Chief of Police.
- 3. Mental Qualification

Applicants shall be required to meet average mental qualifications.

They shall be at least high school graduates and able to read and write their native language. Knowledge of the English language shall be essential.

4. Moral Qualification

No applicant shall be accepted who has been convicted of a felony offense or who has a record of two or more misdemeanors. In general, applicants should be of high moral character.

#### B. TRAINING

- 1. It shall be the responsibility of each Chief of Police to determine the training needs at all levels within his organization and to implement such programs as to assure that those training objectives are met. All such training shall be coordinated with the Director, Bureau of Personnel pursuant to Title 61 TTC Section 8 (3) (a).
- 2. Each Chief of Police shall be responsible for budgeting adequate funds for training of public safety officers.
- 3. While training should be a continuous process, each district shall provide at least a basic course in familiarity with criminal law, law of arrest and operational procedures to all newly hired officers prior to their assuming field duties. In addition, refresher training shall be scheduled for nonsupervisory ranks at least once a year, with supervisory personnel scheduled at least bi-annually.

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- c. Sworn Public Safety Officers shall wear the badge at all times while in uniform and shall, when practicable, carry the badge on their persons at all other times.
- 4. Identification Card
  - a. Each district shall issue an identification card to its public safety officers of a design approved by the Chief of Police.
    - (1)The I.D. card shall contain on its face a photograph of the Officer, the signature of the Chief of Police and a synopsis of the Commission to read as follows:

"By virtue of the authority vested in me by law, I do hereby appoint to be a \_\_\_\_ in the Department of Public Safety for the District of

Chief of Police

- (2) The back side of the card shall present descriptive information to include height, weight, color of eyes and hair, blood type, social security number, date of issue and the officer's signature.
- Ъ. The identification card shall be carried on the person at all times and shall be reissued upon change of status or no later than every five (5) years.
- 5. Firearms and Ammunition
  - a. All firearms issued for public safety use and carried on District inventories shall be the following:
    - .38 Caliber Smith & Wesson Revolver (1)
    - (2) .223 Caliber rifle (5. 56mm) i.e. M-16
    - (3) .30 Caliber Carbine
    - .12 Gauge Shotgun (4)
    - (5) 37.mm Gas Gun

b. The specifications for revolvers shall be:

- (1) Smith & Wesson .38 Caliber K-38 Cobat Masterpiece, either stainless steel or blue finish with a 4" barrel and square butt.
- (2) Detectives and plainclothes units may utilize the above make
- (2) Detectives and plainerothes units any define the above make revolver with a barrel length of 2" to 6" or a Smith & Wesson five-shot revolver, "Chief's Special", "Bodyguard" or "Centennial".
   (3) All other makes and calibers of revolvers are prohibited from Public Safety service.
- c. Restrictions
  - (1) The use of automatic pistols in prohibited.

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- (2) Rifles shall be restricted to .30 caliber or .223 caliber and shall not be fully automatic. Rifles having one or more barrels less than 16" in length or any weapon made from a rifle by alteration, modifica-' tion or otherwise, which is less than 26" in length is prohibited.
- (3) Shotguns shall be restricted to 12 gauge and shall not be automatic loading. Shotguns having one or more barrels less than 18" in length and any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified, has an overall length of less than 26" is prohibited.
- (4) The use of machine guns, irrespective of the type and make, is prohibited.
- (5) The use of silencers or any other device for deadening or muffling the sound of discharged firearms is prohibited.
- (6) The use of any firearm that is restricted by U.S. law under the Gun Control Act of 1968, Public Law 90-618, is prohibite.
- d. The condition of the ammunition must be safe and shall be restricted to:
  - (1) Ammunition for the revolvers shall be .38 special cartridge, 125 grain, semi-jacketed hollow point or .38 Special Cartridge, 95 grain, semi-jacketed hollow point. If these are unavailable, grain lead ball ammunition may be substituted.
  - (2) Rifle, .30 caliber or .223 caliber (5.56 mm)
  - (3) Shotgun, 12 gauge, slug, 00 buck or 4 buck.
  - (4) Reloads, wadcutters, full jacketed bullets and .357 Magnum are prohibited for service use. They may, however, be used for training purposes only.
- e. It shall be the responsibility of the Chiefs of Police to insure that periodic inspections are conducted of firearms issued or carried by public safety personnel.
  - (1) Personnel inspecting firearms shall particularly check for the following conditions:
    - (a) Proper single and/or double action.
    - (b) Proper cylinder rotation and latching.
    - (c) Firing pin and sights (sheared pin or damaged sights).
    - (d) Bore and chambers (rust, dirt, pitting or any obstruction).
    - (e) Cartridges (dents, primer, no-crimped projectile).
    - (f) Trigger (hair trigger or a trigger pull of less than three(3) pounds pressure will render the revolver unserviceableby Public Safety standards).
  - (2) Weapons found to be unserviceable or otherwise not meeting the specifications of this order shall be taken out of Public Safety service.
- f. District Arsenals

The Chief of Police shall be responsible for the operation of the Public Safety arsenal and shall effect measures as are deemed necessary for the safekeeping and upkeep of all such equipment and supplies that are kept in the arsenal.

- (1) He shall delegate the Officer-in-charge of each watch to take appropriate measures for proper record-keeping of supplies and equipment issued and returned.
- (2) He shall have an inventory conducted of all equipment and supplies stored in the arsenal at the end of December, March, June and September of each year.
- (3) Whenever there is any discrepancy between equipment and supplies found in the arsenal during the inventory and the inventory listing reference, an investigation shall be conducted to determine the reason for such discrepancy and the findings shall be submitted to the Chief of Police.
- 6. Public Safety Vehicles
  - a. Each district Chief of Police shall determine the type and number of vehicles that will be required to supply effective, efficient and economical public safety service to the district.
  - b. Each Public Safety vehicle shall be clearly identifiable and, when practical, shall be provided with suggested standardized emergency equipment. Suggested equipment would include:
    - (1) Radio receiver and transmitter set.
    - (2) Siren
    - (3) Blue, red, or combination blue/red roof top lights.
    - (4) First aid kit.
    - (5) Fire extinguisher.
    - (6) Emergency highway flares.
    - (7) Blanket.
  - c. Each Chief of Police shall develop procedures for safe on-duty operation of public safety vehicles and shall assure that a regular preventive main-tenance schedule is provided and adhered to.

#### D. PROCEDURES

1. Promotion

It shall be the policy of Public Safety to promote to higher rank and advance to higher pay grades only those personnel who successfully demonstrate their ability to assume the responsibilities and perform the duties of the position to which they will be promoted or advanced.

- a. Upon vacancies in authorized ranks above that of Public Safety Officer, promotion shall be made on the basis of competitive examination, work performance and seniority, in that rank order of importance.
- b. Competitive examinations may be compiled by any competent private or government agency as may be determined by the Chief of Police, subject to approval by the Director of Personnel.
- c. Procedures for exam administration and determination of results shall be developed by the Director of Personnel and the appropriate servicing Personnel Officer. The purpose of such exams shall be to initiate promotional lists for each supervisory rank.

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## 2. Grievance

#### a. Definition

- (1) A "grievance" exists if an employee believes that he has been treated unfairly or if he disagrees with his supervisors as to the application of a policy to him as an employee.
- (2) Dissatisfaction with respect to classification, compensation, or disciplinary matters other than a suspension of three (3) or more working days shall not be treated as grievances and such dissatisfaction shall not be processed through formal grievance channels.
- b. Principles
  - Formal grievance procedures shall conform to the following principles:
  - An employee may, without resort to formal procedures, discuss informally any problem relating to his conditions of employment with any of his supervisors.
  - (2) In presenting a grievance, the employee shall be assured freedom from coercion, discrimination and reprisal.
  - (3) An employee shall have the right to be represented by a person or persons of his own choosing at any stage in the presentation of his grievance.
  - (4) All proceedings relating to the handling of employee grievances shall so far as practicable be conducted during business hours.
- c. Procedures

To further better understanding and to settle in an expeditious manner, grievances that may arise in the course of Public Safety employment, the following procedures shall be taken by an employee:

- (1) Step I Oral Discussion
  - (a) Employee presents grievance orally to immediate supervisor.
    Grievances resulting from reprimand and/or suspensions of three
    (3) or less working days may be presented orally to the level of supervision at which the action was originated.
  - (b) The supervisor informs employee orally of decision within three(3) working days.
  - (c) The supervisor shall forward a written report through channels to the Watch Commander or Unit Senior Officer, acquainting the latter with the nature of the grievance and the disposition made.
- (2) Step II Written Presentation
  - (a) If dissatisfied with the decision of Step I, employee submits grievance <u>in writing</u> to immediate supervisor. Grievances resulting from reprimands and/or suspensions of three (3) or less working days may be submitted <u>in writing</u> to the level of supervision at which the action originated.

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- (b) Upon initiation of the formal grievance, the Chief of Police shall be notified through the submission of the "Notice of Formal Written Grievance".
- (c) Supervisor renders decision in writing on the form within two (2) working days. The original "Notice of Grievance" is returned to the employee.
- (d) For employees working directly under the Chief of Police, Step IV will follow Step II.
- (3) Step III Review by Watch Commander/Senior Officer.
  - (a) If dissatisfied with the decision of the supervisor, employee submits to the Watch Commander/Unit Senior Officer the original "Notice of Grievance" returned to him by the supervisor.
  - (b) The Watch Commander/Unit Senior Officer reviews grievance and submits decision in writing on the form to the employee within two (2) working days. The original "Notice of Grievance" is returned to the employee.
- (4) Step IV Review by Chief of Police
  - (a) If dissatisfied with prior decisions, employee submits the original completed "Notice of Grievance" form to the Chief of Police within thirty (30) working days from the date on which the grievance was initially submitted in writing to the employee's supervisor.
  - (b) The Chief of Police shall appoint a Board of Review.
    - This Board shall be comprised of five (5) members; four (4) of whom shall be chosen by lot by the aggrieved employee. The fifth member of the Board shall be appointed by the Chief of Police from among any of the Department's personnel.
    - ii. The selection of the four (4) members shall be made from among employees who are not directly involved in the grievance to be reviewed and shall be governed by the following precepts:
      - aa. Whenever feasible two (2) members shall be of a rank higher than the immediate supervisor of the aggrieved employee.
         Two (2) members shall be of the same rank as the aggrieved employee.
      - bb. In the selection of names for the Board of Review, the aggrieved employee and the officer selected by the Chief of Police shall be entitled to one challenge in each of the two categories listed above. Should either exercise this right, another name shall be drawn from among the employees.
    - iii. Board reviews grievance and renders decision in writing on the form to the Chief of Police within five (5) working days.
      - iv. The Chief of Police reviews grievance and submits decision in writing on the form to the employee within five (5) working days. The original "Notice of Grievance" shall be returned to the employee.

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- (5) Step V Review by the Trust Territory Personnel Board.
  - (a) If dissatisfied with the decision of the Chief of Police, the employee may submit a written request to the Personnel Board.
    - i. This request must be submitted within fifteen (15) working days from the date of the Chief of Police's decision.
    - ii. This request must include a covering letter and a completed copy of the "Notice of Grievance" form containing all the prior decisions.
    - iii. A copy of the covering letter to the Personnel Board must also be submitted to the Chief of Police.
    - iv. The Personnel Board renders its decision in writing.
  - (b) The Trust Territory Personnel Board's disposition of the grievance shall be final and binding upon all persons concerned.
- (6) Time limitation.

The Chief of Police shall not be required to review a grievance:

- (a) Unless the grievance is submitted to him within thirty (30) working days from the date on which the grievance was first submitted in writing to the employee's immediate supervisor.
- (b) Unless the grievance is filed in writing within twenty (20) calendar days after the date of its occurrence or inception.
- (7) Failure to act.

Failure of any person or persons to act in any step within the prescribed time shall automatically permit the employee to take his grievance to a succeeding step in the grievance procedure.

- (8) Copies of all actions taken in a grievance shall be forwarded to the Servicing Personnel Officer.
- 3. Processing Complaints Against Public Safety Personnel.
  - a. Chiefs of Police shall form an Internal Affairs unit, or designate a specific officer of supervisory rank, to specifically investigate internal or external complaints of Public Safety performance. Such unit or individual will be directly responsible to the Chief of Police.
  - b. All personnel are to courteously receive any complaints lodged against the Department of Public Safety or any member or employee thereof for alleged misconduct in the performance of an official action, whether on or off duty.
  - c. A Department of Public Safety form, upon which the complaint shall be recorded, will be utilized by any officer receiving a complaint. This form shall be completed in triplicate and distributed as follows:
    - Original: Chief of Police cc: Internal Affairs or designated senior officer Complainant

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- d. Any investigation and/or interrogation of an officer or employee shall be conducted in a fair, unbiased and impartial manner.
  - If an officer or employee is directed to appear and answer questions before a departmental investigation, trial board, or other departmental proceeding, the following warnings shall be given prior to commencement of questioning:
    - " I wish to advise you that you are being questioned as part of an official investigation of the Department of Public Safety. You will be asked questions specifically directed and related to the performance of you official duties."
    - " I further wish to advise you that if you refuse to testify or to answer questions relating to (a) your duties and actions as a member of the Department, and/or (b) your fitness for office, you will be subject to departmental charges which could result in your dismissal from Public Safety employment. If you do answer and some form of immunity has not been given, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."
  - (2) Public Safety personnel are in a peculiar and unusual position of public trust and responsibility. The public and the Department have an important interest in expecting public safety personnel to give frank and honest replies to questions specifically relating to their official duties and/or their fitness to hold office. Consequently, at any department investigations, trial boards or other authorized departmental proceedings, it shall be the duty and responsibility of each member of the Department to truthfully, fully and directly, answer any and all questions as a member of the department and his or her duties for office.
- e. All reports of investigations conducted by the Department which may result in disciplinary action against an employee, shall be reviewed by the employee's Watch Commander or Unit Supervisor.
- f. The Watch Commander or Unit Supervisor shall make recommendation as to what action should be taken to a Disciplinary Board.
- g. Each Chief of Police shall form a Disciplinary Board which shall consist of Captains of Police and such other senior officers as the Chief may select. One Captain shall be appointed as Chairman.
  - (1) When called before the Board, the Internal Affairs Officer/ investigator or Watch Commander/Unit Supervisor, shall orally present his findings and explain (support) his recommendations to the Board.
  - (2) The Board shall, after considering all of the pertinent reports and any oral testimony, submit its findings and recommendations in writing to the Chief of Police.

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- (3) The final report of the Disciplinary Board shall be concluded with the classification of the findings in one of the following categories:
  - (a) Unfounded: The complaint was not based on facts; or the incident complained of did not occur.
  - (b) Not Sustained: Insufficient evidence either to prove or disaprove the allegation.
  - (c). Exonerated: Incident occured, but was lawful and proper.
  - (d) Sustained: There is sufficient evidence to support the allegation or justify disciplinary action.

When an allegation is classified as sustained, the finding shall include a recommendation for:

- . Counselling
- . Training
- . Oral Reprimand
- . Written Reprimand
- . Suspension of a specific number of days
- . Demotion in rank
- . Separation from Public Safety service (Voluntary resignation,
- dismissal or termination of initial probationary appointment)
- (4) Final disposition as to the disciplinary action to be taken shall rest with the Chief of Police. A copy of the final report shall be placed in the employee's personnel folder.
- 4. Report Procedures
  - a. When to initiate a report
    - Any Public Safety Officer receiving a complaint or observing any violation of law, motor vehicle accident or other unusual occurence, shall initiate a numbered report of the same on prescribed departmental forms.
      - (a) In cases wherein the officer is on duty, such reports shall be completed at the scene of the investigation or prior to completion of that tour of duty during which the officer became acquainted with the incident.
      - (b) In any major case the officer may, at the discretion of his supervisor, be permitted to return to the station to make the report immediately upon conclusion of the investigation.
    - (2) Off-duty officers who may become acquainted with any incident requiring public safety attention shall report same to the department by the fastest available means.
      - (a) An on-duty officer shall be dispatched to investigate the case if it is one of a serious nature, or if a request for assistance is made.
      - (b) Regardless of whether an on-duty officer is assigned or not, the off-duty officer shall submit a report of his activities and any information the officer may have obtained, as soon as possible thereafter.

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- (3) Any information, regardless of the source, the truth or accuracy, that may come into possession of any officer or employee with reference to any violation, accident, occurrence, or investigation being made, shall be reported through the proper chain of command.
- b. In order to develop a more efficient, effective and standardized method of records keeping, training and report writing procedures, each district shall utilize only those report forms as may be specified by the Attorney General.
  - (1) All information entered into blocks or spaces of approved report forms must be printed or written legibly, preferably in English.
  - (2) Except when circumstances indicate otherwise, all blocks and spaces shall be completed with the required information.
  - (3) The initial classification of an incident shall be determined by the investigating officer. However, if circumstances warrant, the classification may be changed by the officer's immediate supervisor.
  - (4) Should the report necessitate the use of more than one page, each additional page shall be numbered in the proper sequence and be initialled by the officer. The writer shall sign his first and last name legibly, in ink, on the last page of the report.
  - (5) In each case wherein the subject matter is of interest to another unit of the Department or another District, a copy of the report shall be made for each unit or District so concerned.
  - (6) All reports made by the officers shall be submitted for approval by the Watch Commander or Unit Supervisor before they are turned in as complete. The approving Officer shall sign his or her name and rank to each report after ascertaining that the form and content of the report is complete and proper insofar as can be practicably determined at the time.
  - (7) Each Chief of Police shall develop a numbering system and procedures for administration of that system so that an efficient records keeping operation can be maintained.
  - (8) Each Chief of Police, shall submit a monthly statistical report to the Attorney General's Office on forms provided for this purpose.
- 5. Use of Firearms by Police Officers.
  - a. A Public Safety Officer shall be justified in using a firearm under the following conditions:
    - (1) The arrest is for felony; and
    - (2) The person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer; and
    - (3) The Public Safety Officer believes that the force employed creates no substantial risk or injury to innocent persons; and
    - (4) The Public Safety Officer believes that:
      - (a) The crimes for which the arrest is made involved conduct including the use or threatened use of deadly force; and
      - (b) There is substantial risk that the person to be arrested will cause death or serious bodily injury if his apprehension is

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#### delayed.

- (5) If the Officer has reasonable cause to believe that he or she, or someone else is about to sustain serious physical injury or be killed by the person at whom the officer shoots.
- (6) The officer believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or
- (7) To destroy an animal which the officer has reasonable cause to believe is so severely injured that there is no probability that its life or usefulness can be saved, or where the officer or another is attacked by a human-endangering animal.
- (b) When the use of the firearms is not justified.

An officer is not justified in using his firearm:

- (1) To fire a warning shot.
- (2) To apprehend a fleeing offender, except as permitted under justification (1) and (3), above.
- (c) Considerations.
  - (1) Where it is possible to accomplish the mission through means other than use of the firearm, these means should be employed.
  - (2) One must always exercise precaution concerning bystanders. Injury to innocent bystanders is not necessarily excused by the fact that the officer may have been legally justified in shooting to accomplish arrest.
- (d) Written report on use of firearms.

In every instance where a firearm is drawn and/or discharged, a detailed written report shall immediately be submitted to the Chief of Police by the officer having discharged the firearm and by the immediate On-duty superior of that officer.

(e) Display of firearms.

To prevent accidental discharge, firearms shall not be unnecessarily displayed, brandished or manipulated by officers whether within the police building or in the public. Loading and unloading is to be accomplished with the utmost regard for the safety of oneself and persons in the immediate area.

- (f) Investigative Procedure.
  - (1) Relief from duty.
    - (a) Upon ascertaining that death or injury has resulted from the use of firearms in the course of carrying out a police function, the superior officer of the officer who took such action shall, after a conferral with the investigating Criminal Investigation Supervision, determine whether or not the officer should be relieved

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of further field duty pending the outcome of the investigation of the matter.

- (b) Should a relief from duty be deemed necessary, it shall not be construed to be a disciplinary action, but rather an administrative course of action for the purpose of:
  - 1. Relieving the officer from further performance of field duties while undergoing the emotional stress of having used deadly force.
  - ii. Permitting an objective investigation into the matter under a more restrained atmoshere.
  - iii. Restoring the public's confidence in the Department of Public Safety.
- (c) In a case wherein a relief from duty had been imposed, the officer shall be restored to his original assignment as soon as it is determined from the investigation that his action was sustained.
- (2) Expeditious Investigation.
  - (a) Without sacrificing objectivity and completeness, the investigation into any duty-connected shooting resulting in death or injury shall be expeditiously conducted by all investigating parties.
  - (b) The investigator assigned to investigate the criminal act of the victim of the shooting shall not also be burdened with the investigation of the shooting itself.
  - (c) The Officer-in-charge of the Criminal Investigation Division shall investigate the circumstances of the shooting.
  - (d) The completed investigative report shall be forwarded forthwith to the Office of the District Attorney for his review and further determination of criminal negligence.
- 6. Employment of the Mace.
  - a. When to use Mace.
    - Mace is supplemental weapon and not a replacement for the baton or revolver. It shall be used for situations in which use of the baton or revolver would be inappropriate.
    - (2) Mace must never be used (1) as a means of punishment to persons who are verbally abusive to the officers and (2) in cases where resistance is such that it can be overcome without great difficulty or danger to the officer.
    - (3) Remember, Mace is a weapon and its use must always be <u>lawful</u> and <u>reasonable</u>.
  - b. Reporting the use of Mace.
    - (1) When Mace is used, and an arrest is successfully completed, all facts surrounding its use, including advice regarding First Aid, shall be included within the offense or arrest report. A separate report is not required under these circumstances.
    - (2) In all other cases where Mace is used, a report shall be submitted to the Officers/Watch describing the circumstances of its use.

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#### c. Responsibility.

- (1) It will be the responsibility of the Watch Commanders to ensure that all personnel under their respective commands are thoroughly familiar with provisions governing the use of the Mace.
- (2) The Chemical Mace canister shall be worn by all uniformed personnel on their Sam Browne belts at a position which is opposite from their holster. (Any exceptions to the wearing of Mace by uniformed personnel must be approved by the Chief of Police.)
- d. Treatment.

As soon as the subject is subdued through employment of the Mace, <u>complete</u> the arrest process by:

- (1) Handcuffing the arrestee to prevent further resistance or escape.
- (2) Searching the arrestee for weapons and/or contraband.
- e. First Aid.
  - As soon as the subject becomes cooperative, advise him not to rub his eyes, but to <u>face into the wind and to blink his eyes</u> in order that natural tearing will promote a flushing of the eyes.
  - (2) If fresh water is available (or as soon as it does become available). use copious amounts of <u>cool water to flush</u> the arrestee's face and eyes.
  - (3) Do not rub or wipe the water into the subject's eyes with the hand or a towel, but softly splash the water upon his face eyes.
  - (4) <u>Do not dry</u> the subject's face and eyes with a towel or sponge, but allow the air to dry his face.
  - (5) Advise medical personnel of the subject's exposure to the Mace, should the subject require further medical attention.
- 7. Arrested Persons Procedures.
  - a. Whenever any person is arrested, including juveniles of all ages, such person shall be informed of his rights.
    - In cases where a person is placed under arrest, and it is subsequently discovered that the person did not commit an offense, such person shall be released immediately from police custody without being subjected to the booking process.
    - (2) Before releasing the person, the releasing officer shall obtain the person's name, address, phone number, date of birth, occupation and place of employment.
    - (3) This information, along with the circumstances surrounding the detention and release of the person, shall be included in the appropriate crime report. If the cause of release is the result of determining that there was actually no crime committed, the releasing officer shall close the case as unfounded, and forward a copy of the report to his Watch Commander.
  - b. Security Control.

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- (1) Whenever any person is arrested, such person shall be immediately searched. The search shall be conducted by an officer or employee of the same sex as the arrestee. All weapons, contraband, instrumentalities and fruits of the crime, shall be seized. Such seizures shall be recorded and the items seized shall be submitted in evidence.
- (2) As circumstances vary with each case, the use of handcuffs shall be left to the discretion of the arresting officer; however:
  - (a) An arrested person shall be handcuffed with his hands in the back of him, palms facing outward unless facts and or circumstances indicate otherwise.
  - The handcuffs shall be secure but not to the extent to cause the (b) arrested person injury, pain or unusual discomfort. (c) An arrested person shall be treated humanely.

  - (d) Juvenile offenders may be handcuffed if the offense committed is serious or when circumstances dictate.
  - (e) It shall be the responsibility of the arresting officer or the officer having the custody and/or control to provide for the security and safety of his prisoner.
  - (f) An officer shall not handcuff himself to an arrested person.
- (3) When more than one felony prisoner is arrested at the same time, the security control of the prisoners shall be maintained by one or more officers as necessary. The prisoners shall be handcuffed in the manner prescribed in paragraph 2 (a). Whenever possible, such prisoners shall be kept separated.
- (4) Every reasonable precaution shall be taken to prevent the escape or commission of any offense against police officers or others by the arrestee. This requires an officer to place himself in an advantageous position over the arrestee at all times.
- c. Transportation of Arrested Person.
  - (1) Whenever an adult is arrested, a Public Safety vehicle shall be used in transporting the arrestee to the holding facility. However, precautions to prevent the escape of the arrestee shall be taken.
  - The time between departure from the scene of the arrest and arrival at the station shall be recorded and the name of the transporting officer shall be mentioned in the arrest report.
  - (3) No officer shall transport an arrestee of the opposite sex without the presence of a police matron or an additional officer.
- d. Search at the Receiving Desk.
  - (1) Immediately upon arrival at the Public Safety facility, all arrested persons, including juveniles, shall be thoroughly searched by two (2) police officers. In the case of a female, a police matron or female officer shall conduct the search.
    - When a police matron or female officer is not available, Receiving (2) Desk officers shall NOT conduct a search of the body of an arrested female.
    - (3) Any arrested person suspected of hiding any contraband in body

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cavities shall be taken to the District medical facility to be searched by a physician or medical officer.

- (4) Any contraband found shall be seized in evidence.
- (5) Any arrested person who is to be held in the Cell Block for any length of time, shall be permitted to retain only his handkerchief and eye glasses. All other personal effects, such as money, wallets, waistbelts, shoelaces, knives and jewelry of all types, shall be removed and placed in a property bag which shall be placed in a depository for safekeeping.
- e. Prisoner's Property Receipt.

Each Chief of Police shall develop and implement procedures for receipt, control, and accountability of prisoner's property, with responsibility designated to supervisory officers.

- f. Ill or Injured Persons.
  - Any person coming into custody complaining of or with apparent illness or injuries, or who is unconscious, or who appears to be under the influence of intoxicating liquor from the manner of his appearance, conduct, behavior, speech and mobility but does not have an alcoholic breath, shall be taken to the district medical facility for examination and treatment.
    - (a) With exception of motor vehicle accidents, an informational Report shall be completed in all cases where an arrested person is examined whether or not the person requires medical attention.
    - (b) The officer taking the person to the medical facility shall make certain that the attending physician is properly informed as to the person's status; e.g., arrested pending investigation, charged pending posting of bail, or pending discharge, etc.
  - (2) No officer shall take into custody from any hospital or medical facility a subject who is unconscious, in a semi-coma, asleep, drugged, or intoxicated and apparently or suspected to be ill, poisoned, injured or physically incapacitated from unknown causes, until the subject has fully regained consciousness and a logically accepted explanation as to the cause of his condition is obtained either from the subject or his attending physician,

## g. Booking.

- (1) Officer-in-Charge.
  - (a) For the purpose of this Regulation, the Officer-in-charge shall be a captain, lieutenant, or a sergeant.
  - (b) The Officer-in-Charge of the on-duty watch in each respective district shall be responsible for the proper handling of arrested persons.
  - (c) He shall review the circumstances of each arrest <u>before any person</u> <u>is booked</u>, to determine whether there exists sufficient grounds or facts to justify the arrest.
    - 1. If it is determined that there are insufficient grounds to

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justify the arrest, the arrestee shall be booked and released immediately. The word "discharged" shall be inscribed where applicable. In this case, the arrestee should not be detained for the purpose of fingerprinting and photographing.

- ii. If the arrest is justified, the Officer-in-Charge signs the Arrest Report in the "Supervisor Approving" block and the arrested person shall be processed as provided.
- (d) Prior to the confinement of an arrested person to the Cell Block, it shall be the responsibility of the Officer-in-Charge to ascertain if such person is suffering from an ailment or illness which requires periodic medication, and if so, arrangements to permit medication shall be made.
- (e) No booking shall be made under an arrest by warrant without first establishing the identity of the person in custody as being the actual person named and accused in the warrant. In all cases when the person in custody or awaiting service of warrant of arrest denies being the person so named and whenever there is no verified identification after all available means of same have been exhausted, the person in custody is to be discharged. In the event no arrest was yet made and the person was awaiting service, the warrant is not to be executed. Circumstances explaining the lack of execution of the warrant are to be attached to the warrant.
- (2) Booking Procedure.
  - (a) The arresting officer shall review the facts of each case with the Officer-in-charge before he or any of the Receiving Desk officers fill out the required Arrest Report form.
  - (b) Receiving Desk officers shall fingerprint and arrange for an identification photograph of all arrestees.
  - (c) Adult and juvenile arrests shall be logged in the respective booking ledgers.
- (3) Rights of Arrested Persons.
  - (a) Public Safety officers shall not:
    - 1. Deny an arrested person the right of seeing at a reasonable time at the place of his detention, counsel or a member of his or her family.
    - 11. Unreasonably refuse or fail to make a reasonable effort, whenever an arrested person so requests and prepays the cost of the message, to telephone, send a cable, or wireless message through an officer or anyone else to the counsel or member of his or her family.
    - 111. Deny to counsel (whether retained by the arrested person or a member of his or her family) or to a member of the arrested person's family the right to see or otherwise communicate with the arrested person at the place of his or her detention (a) at any time for a reasonable period for the first time after the arrest and (b) thereafter at reasonable intervals and for a reasonable time.

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- iv. In any case when an arrested person has requested that he or she see an attorney or member of his or her family, examine the person before he or she has had a fair opportunity to see and consult with the attorney or member of his or her family.
- v. Fail within twenty-four hours of the arrest of a person on suspicion of having committed a crime either to release or to charge the arrested person with a crime and take him or her before a qualified magistrate for examination.
- (b) Telephone Calls Interviews Visitations
  - 1. An arrested person shall be allowed to use the telephone for the purpose of making a call to, or responding to a call from members of his or her family, counsel or bondsman. Whenever an arrested person makes a call, an officer shall place the call, i.e., dial the number for the arrested person. In all instances, the officer shall remain present during the conversation.
  - ii. An arrested person shall be allowed to see or communicate with members of his immediate family, counsel, or bondsman with the approval of the Officer-in-Charge of the Receiving Desk.
  - iii. An arrested person having no immediate family shall be permitted to call or communicate with a personal friend or other person who may act in his behalf.

Jail Operations.

- a. Confinement in Public Safety jail facilities shall be executed fairly and uniformly throughout the Trust Territory. All confinement of detentioners shall be no more rigorous than security measures demand and confinement over and above the custody aspect shall be of a corrective nature.
- b. Prisoners are to be treated fairly and impartially. They must be properly clothed and fed. They must be provided clean, properly equipped living quarters, adequate medical attention, opportunity to practice their religious beliefs, and allowed reasonable communication with their families and defense counsel.
- c. Every new inmate shall be required to submit to a physical examination as soon as he is committed to jail in order to identify cases of communicable disease, detect other illness or injury, and detect special problems such as a alcohol or narcotic addiction and mental illness.
  - (1) The complete admission examination shall be made by a competent physician or medical practitioner.
  - (2) Under no circumstances will persons be placed on hard labor without first obtaining a complete admission physical.
  - (3) An individual medical record shall be kept for each inmate indicating: his condition at the time of admission; as much as his past medical history as can be readily obtained; any illness or injury occuring during confinement, the treatment provided and his condition at the time of release.

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- d. Any prisoner sentenced by the Court to hard labor may be required to work during the period of confinement and in accordance with physical ability on any public project unless the terms of the sentence specifically indicate otherwise.
  - Hard labor shall not exceed a six (6) day week and not more than eight (8) hours per day.
  - (2) Detentioners shall not be required to perform hard labor but may be required to perform housekeeping tasks in and around the public safety facility.
  - (3) Prisoners not sentenced to hard labor and detainees, may volunteer to work but must sign a written request to do so. The Chief of Police or his designate shall review and approve or disapprove such requests.
- e. On days when hard labor is not performed, useful rehabilitative projects such as, but not limited to, handicraft manufacture, gardening and fishing shall be encouraged. Proceeds derived from any such project shall be utilized for the benefit of the jail population only.
- f. Each Chief of Police shall develop a District Manual for efficient and effective administration of jail operations. Such manual shall include, but will not be limited to the following:
  - (1) Supervision
  - (2) Prisoner treatment
  - (3) Security
  - (4) Control of keys
  - (5) Control of tools
  - (6) Shake-downs, searches and counts
  - (7) Inspections
  - (8) Visitor and mail control
  - (9) Control of medications
  - (10) Control of prisoner's cash and other personal properties
  - (11) Scheduling
  - (12) Rules and regulations for prisoner conduct.
- g. Prisoner's rules and regulations shall be readily available and be explained to each inmate upon admission.
- h. Each Public Safety jail facility shall adopt the following prisoner's disciplinary procedure:
  - When an inmate is charged with a violation of the rules he should be given a reasonable opportunity to defend himself before a hearing committee.
  - (2) The hearing committee shall consist of one police captain, the jail sergeant and a prisoner representative. The committee shall conduct the hearing and administer discipline.
  - (3) The main objective of the hearing should be to find out why the inmate behaved as he did, what can be done to remove the cause of his misbehavior, and what disciplinary action is most likely to contribute to his better adjustment in the future. The imposition of punishment is restricted to:
    - (a) <u>Reprimand</u>: For minor, first offense, this may be sufficient to

discourage future misconduct.

- (b) Loss of Privileges: Such as smoking, visitors and use of recreation facilities.
- (c) Isolation: This may range from restriction to a cell to solitary confinement in a special disciplinary unit. (any cell used for solitary confinement must have an adequate light, ventilation, water and toilet facilities). This type of confinement will not exceed 30 days. Inmates confined in isolation as punishment should be served regular meals and menus should be the same as those served the general inmate population.
- 1. Abuse, mistreatment, and special forms of punishment which only serve to brutalize both prisoners and guards are hereby prohibited.

## ARTICLE VII

## CONDUCT

#### A. GUIDE FOR DISCIPLINARY ACTION

- 1. Existence of facts established by a preponderance of evidence establishing that there has been a violation of law, ordinance, departmental rule or order shall be sufficient to justify the implementation of disciplinary action under these rules.
- 2. Disciplinary action for violations contained in Section B of this Article shall be determined by the Chief of Police.
- 3. Disciplinary action for violations contained in Section C of this Article shall be as follows:

a. Class A Rules

Minimum Action - Suspension of 15 working days Maximum Action - Dismissal

b. Class B Rules

Minimum Action - Suspension of 5 working days Maximum Action - Dismissal

c. Class C. Rules

Minimum Action - Written Reprimand Maximum Action - Dismissal

d. Class D. Rules

Maximum Action - Suspension of 10 working days

B. PROFESSIONAL CONDUCT AND RESPONSIBILITIES

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- 1. <u>Standard of Conduct</u> Officers a employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.
- 2. <u>Loyalty</u> Loyalty to the department and to associates is an important factor in department morale and efficiency. Officers and employees shall maintain loyalty to the department and their associates as is consistent with the law and professional ethics.
- 3. <u>Cooperation</u> Cooperation between the ranks and units of the department is essential for effective law enforcement. Therefore, all officers and employees are strictly charged with establishing and maintaining a high level of cooperation.
- 4. <u>Assistance</u> Officers shall take appropriate action toward aiding a fellow officer exposed to danger or in a situation where danger may be impending.
- 5. <u>General Responsibilities</u> Officers shall, at all times, take appropriate action to:
  - a. Indentify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
  - b. Reduce the opportunities for the commission of crime through preventive patrol and other techniques.
  - c. Aid individuals in danger of physical harm.
  - d. Protect constitutional guarantees.
  - e. Facilitate the movement of people and vehicles.
  - f. Assist those who cannot care for themselves.
  - g. Resolve conflicts.
  - h. Identify and report potentially serious law enforcement and government problems.
  - i. Create and maintain a feeling of security in the community.
  - j. Promote and preserve civil order.
  - k. Provide emergency services.
  - 1. Enforce all Territorial and District laws and ordinances coming within the jurisdiction of the department.
- 6. <u>Duty Responsibilities</u> Officers are always subject to duty although periodically relieved of its routine performance. Officers assigned to specialized duties are not relieved from taking necessary or appropriate action outside the scope of their specialized assignment.
- 7. <u>Knowledge of Laws and Regulations</u> Officers are expected to establish and maintain a working knowledge of District ordinances, Codes of the Trust Territory of the Pacific Islands, rules and orders of the departments and divisions thereof which are applicable to their functions as a public safety officer. In the event of improper actions or breaches of discipline, it will be presumed that the officers were familiar with the law, rule or order in question.
- 8. <u>Performance of Duty</u> Officers and employees shall perform their duties as required or directed by law, departmental rules, policies or orders, or by order of a supervisor. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

- 9. <u>Obedience to Laws and Regulations</u> Officers and employees shall observe and obey all laws and ordinances and all rules, regulations and lawful orders of the department.
- 10. <u>Political Activities</u> Aside from exercising the right to vote, members of the Department of Public Safety shall not support, advocate or aid in the election or defeat of any candidate for public office. Any violation of this rule shall be cause for summary dismissal from the department.
- 11. <u>Extended Action</u> Repetitious violations of any rule or rules shall be considered grounds for dismissal. Three (3) or more violations for which disciplinary action is imposed within a span of twelve (12) months is considered "repetitious" for disciplinary purpose.
- 12. <u>Manner of Issuing Orders</u> Orders from superiors to subordinates shall be in clear, understandable language, civil in tone and issued in furtherance of departmental business.
- 13. <u>Unlawful Orders</u> Command or supervisory officers shall not issue any order which is contrary to any law, ordinance or department rule.
- 14. <u>Obedience to Unlawful Orders</u> Officers and employees are not required to obey any order which is contrary to Trust Territory Code, local ordinance or Rules and Regulations. Responsibility for refusal to obey rests with individual officers and employees. They shall be required to justify their actions.
- 15. <u>Obedience to Unjust Orders</u> Officers and employees who are given orders which they feel to be unjust, must first obey the order to the best of their ability and then may proceed to appeal as provided.
- 16. <u>Conflicting Orders</u> Upon receipt of an unlawful order, an order contrary to Rules and Regulations or an order conflicting with any previous order or instruction, the member affected will advise the person issuing the order of this fact. Responsibility for countermanding the original order or instruction then rests with the individual issuing the order. If so directed, the latter order shall be obeyed. Orders will be countermanded or conflicting orders will be issued only when reasonably necessary for the good of the department.
- 17. <u>Reports and Appeals Unlawful, Unjust, Improper Orders</u> Officers and employees receiving unlawful, unjust or improper orders shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal shall be conducted through the office of the Chief of Police.
- 18. <u>Mental or Physical Incompetence</u> A finding that any officer or employee is at the time of a physical examination or any other time, upon examination by the District Physician or any other reputable physician, physically or mentally incompetent to perform, or incapable of performing, the duties for which he was employed, shall be presented to the Chief of Police for his consideration.

## C. RULES

- 1. Class A Rules
  - Al Intoxication Officers and employees shall not be intoxicated while on duty.
  - A2 <u>Malicious Use of Physical Force</u> Malicious use of physical force by officers which results in serious bodily injury to another person or which results in bodily injury inflicted by the deliberate use of a dangerous instrument is in violation of this rule.
  - A3 <u>Cowardice</u> Officers shall not display cowardice in the performance of their duty.
  - A4 <u>Mistreatment of Prisoner</u> Officers and employees shall not knowingly mistreat prisoners.
  - A5 <u>Gambling</u> Officers and employees are prohibited from engaging in any unlawful gambling activity unless in performance of an assigned duty.
  - A6 <u>Use of Drugs and Narcotics</u> The illegal possession or use by officers or employees of any tranquilizer, narcotic, depressant and/or stimulating drug is expressly prohibited.
- 2. <u>Class B. Rules</u>
  - B1 <u>Physical Abuse</u> Officers and employees shall not physically abuse other officers and employees, superior or subordinate.
  - B2 <u>Drinking Intoxicating Beverages On Duty</u> Officers and employees shall not drink intoxicating beverages while on duty except in performance of a police duty, and then, only with the specific consent of a commanding officer and never in uniform.
  - B3 Security of Department Business Officers and employees shall not reveal police information outside the department or remove or cause to be removed, any official records except as provided elsewhere in this manual or as required by law or competent authority. Specifically, information ordinarily accessible only to members and employees, and names of informants, complainants, witnesses and other persons known to the police is considered confidential.
  - B4 <u>Personal Preferment</u> Officers and employees shall not seek the influence or intervention of any organization or persons outside the department for purposes of personal preferment, advantage, transfer or advancement.
  - B5 <u>Departmental Investigations</u> Testifying Officers and employees are required to respond truthfully to questions by, or render all materials and relevant statements to, a competent authority in a departmental administrative investigation when so directed.
  - B6 <u>Commission of any Criminal Act</u> Officers and employees shall not commit any criminal act.

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### 3. Class C Rules

- C1 <u>Gifts, Gratuities, Fees, Rewards, Loans, Soliciting, Etc.</u> Officers and employees shall not solicit any gifts, gratuities, loans or fees where there are any direct or indirect connections between solicitations and their departmental membership or employment.
- C2 Acceptance of Gifts, Gratuities, Fees, Loans, Records, Etc. Officer and employees shall not accept either directly or indirectly any gifts, gratuities, loans, fees, rewards or any other things of value arising from or offered because of public safety employment or activities connected with said employment.
- C3 <u>Disposition of Unauthorized Gifts, Gratuities, Etc.</u> Any unauthorized gifts, gratuities, loans, fees, rewards or other things which come into the possession of officers or employees shall be forwarded to the office of the Chief of Police together with a written report of the circumstances which led to such possession.
- C4 <u>Falsification of Records</u> Officers and employees shall not knowingly falsify official reports or enter or cause to be entered any inaccurate, false or improper information on any records of the department.
- C5 <u>Conduct Toward Superior and Subordinate Officers and Associates</u> Officers and employees shall treat superior officers, subordinates and associates with respect. Officers and employees shall not be insubordinate to superior officers and/or supervisors.
- C6 Sleeping Officers and employees are prohibited from sleeping on duty.
- C7 <u>Relief</u> Officers and employees are to remain at their assignment and on duty until properly relieved.
- C8 <u>Reports</u> Officers and employees shall promptly submit such reports as are required in performance of their duties or by competent authority.
- C9 Consumption of Intoxicants and Prescribed Drugs Officers and employees shall not consume intoxicants nor use prescribed drugs to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that ability to perform duty is impaired.
- C10 <u>Intoxicants on Departmental Premises</u> Officers and employees shall not bring into, keep nor consume any intoxicating liquor on departmental premises except as required by official duty.
- Cll Firearms Display and Discharge Officers shall not display firearms umnecessarily or draw them except for inspection or official use as directed by Departmental Directives. Officers are required to submit a written report, regarding all discharge of firearms (except routine target practice). Such reports are to be made according to current department procedures.

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- C12 <u>Compensation for Damages Sustained on Duty</u> Officers and employees shall not seek in any way, or accept from any person, money or other compensation for damages sustained or expenses incurred in the line of duty except as authorized by the Chief of Police.
- C13 Malingering Officers and employees shall not malinger.
- C14 <u>Recommending Attorneys, Bail Bond Brokers or Tow Service Prohibited</u> -Officers and employees shall not suggest, recommend, advise or otherwise counsel any person who comes to their attention as a result of police business, in the retention of any attorney, bail bond broker, tow service, alarm company, private investigator or security service.
- C15 Commercial Testimonials Officers and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with public safety without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.
- C16 <u>Impartial Attitude</u> Officers and employees shall remain completely impartial towards all persons coming to the attention of the départment. They shall not exhibit partiality for or against a person because of race, sex, creed, personal or family relationship or influence.
- C17 <u>Obtaining of Liquor</u> Officers on duty and/or in uniform shall not enter any place where intoxicating liquors are kept or offered for sale for the purpose of obtaining liquors.
- C18 <u>Outside Employment</u> Outside employment or activity by officers or employees is permissible provided that the approval of the Chief of Police is obtained and that such outside employment is not inconsistent nor incompatible with the proper discharge of the officers' or employees' duties with the department.
- C19 <u>Use of Physical Force</u> The use of physical force shall be prohibited except to the extent necessary to accomplish a police objective.
- C20 <u>Overbearing Conduct</u> Overbearing, oppressive or tyrannical conduct under color of police authority is prohibited.
- C21 Directives Violation of Departmental Directives is prohibited.
- 4. Class D. Rules
  - D1 <u>Absence from Duty</u> All officers and employees who fail to appear for duty at the date, time and place specified for so doing without the consent of competent authority are "absent without leave." Failure to return from lunch break or any other approved absence shall be included under this rule.

- D2 <u>Conduct Toward the Public</u> Officers and employees shall be courteous when dealing with the public. They shall avoid harsh, violent, profane or insolent language. Upon request, they shall furnish their name and badge number in a courteous manner.
- D3 <u>Court Attendance</u> Officers and employees shall be punctual and attend court when duly subpoenaed.
- D4 <u>Police Badge</u> Replicas, regardless of size, of the official badge or capshield of the Department of Public Safety shall not be acquired for and/or presented to any person not a duly-commissioned police officer, without the prior approval by the Chief of Police.
- D5 <u>Ticket Sales by Police Officers</u> Officers and employees are prohibited from selling or offering for sale, tickets of any character whatsoever, unless approved by the Chief of Police.
- D6 <u>Ticket Sales, Etc., by Police Associated Groups</u> Associations, clubs, auxiliaries, fraternities or other groups of officers and employees acting under the auspices or sanction of the department shall not sell tickets, solicit sales of any kind, or offer performances of any nature toward raising funds for special purposes without the prior approval of the Chief of Police.
- D7 <u>Criticism of Orders</u> Officers and employees shall not publicly criticize any instruction or order received from competent authority.
- D8 <u>Conducting Personal Business</u> Officers and employees are prohibited from conducting personal business while on duty.
- D9 <u>Military Courtesy</u> Officers shall conform to normal standards of military courtesy. They shall refer to superior officers by rank and salute when not under roof.
- D10 <u>National Colors and Anthem</u> Uniformed officers will render full military honors to the national colors and anthem at appropriate times.
- Dll <u>Reporting for Duty</u> Unless otherwise directed, officers and employees shall report for duty at the time and place specified, properly attired and equipped. If an officer or employee is unable to report for duty or court, such inability shall be reported in accordance with Departmental Directives.
- D12 <u>Smoking While on Duty</u> Uniformed officers shall not smoke while in view of the public.
- D13 Wearing the Uniform Uniforms shall be ket: neat, clean and well-pressed at all times. Unless otherwise directed, uniforms shall be worn complete. Uniformed employees shall also maintain a military bearing.
- D14 Equipment All equipment must be clean, in good working order and conform to department specifications.

- D15 Department Property and Equipment Employees shall not use any departmental equipment unless authorized by competent authority. Employees are responsible for the proper care of the department property and equipment assigned to them.
- Dl6 <u>Transporting Citizens</u> Citizens will be transported in public safety vehicles only when necessary to accomplish a public safety purpose. Such transportation will be done in conformance with departmental policy or at the direction of a command officer, immediate supervisor or communications officer.
- D17 <u>Reporting Accidents</u> Accidents involving officers and employees, TT property and/or equipment must be reported in accordance with adopted procedures.
- D18 <u>Traffic Regulations</u> Officers and employees shall comply with traffic regulations and signals except when operating under the exemptions granted by law. In any event, caution shall be exercised to safeguard lives and property.
- D19 Loitering Officers on duty or in uniform shall not enter, loiter or congregate in or around taverns, theaters, or other public or private places except to perform a police task.
- D20 <u>Truthfulness</u> Officers and employees are required to be truthful at all times whether under oath or not. Falsification of any police report, written or oral, is a violation of this rule.
- D21 <u>Vehicles</u> All public safety vehicles shall be equipped and maintained in accordance with Departmental Directives.
- D22 <u>Appearance</u> The personal appearance and grooming of officers and employees shall conform to Departmental Directives.
- D23 <u>Radio Discipline</u> Use of police radio equipment and response to radio calls transmitted shall be in conformance to Departmental Directives and the Rules and Regulations of the United States Federal Communications Commission.
- D24 Conduct and Responsibility While in Uniform Anytime an officer is in uniform he shall conform to and comply with Department Directives as if he were on duty.

#### ARTICLE VIII

#### DISCIPLINARY PROCEDURES

## 1. AUTHORITY

A. All Public Safety supervisory personnel of the rank of sergeant and above are authorized to take disciplinary action against any subordinate for violations of departmental orders, policies, and rules and regulations.

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- B. All civilian employees who are designated as supervisors by position classification are authorized to take disciplinary action against any civilian employee subordinate for violations of departmental orders, policies and rules and regulations.
- C. All employees officially designated as temporarily acting in the capacity of either police or civilian employee supervisor shall have the same authority as if they were a permanent employee in such position.

#### II. LIMITATIONS

- A. All actions by the aforementioned authorized supervisors shall be limited to:
  - 1. Immediate suspension for an indefinite period whenever circumstances are of such a nature as to warrant immediate relief from duty, pending completion of an investigation, subject to the concurrence and approval of the Director of Personnel.
  - 2. A maximum of 30 working days for other suspensions.
  - 3. Written reprimand.
  - 4. Oral reprimand.
  - 5. Counseling.
- B. The Chief of Police shall remain the sole authority to demote or dismiss any employee for infractions of departmental orders, policies, or rules and regulations.

#### III. PROCEDURES

- A. When it is determined that an employee has violated a departmental order or Rules and Regulations, this procedure shall be followed:
  - 1. Prior to taking any action, the supervisor should:
    - a. Review the personnel records of the employee in question.
    - b. Ascertain that the contemplated action is fair, impartial and consistent with the circumstances of the case.
  - 2. If an immediate suspension is to be imposed, the date (s) should be predetermined and shall not occur during any day-off, vacation, or other authorized leave-with-pay period.
    - a. For immediate suspension or written reprimand, the original Department of Public Safety notification form shall be issued to the employee. The employee shall acknowledge the action by signing the duplicate copies.
    - b. The supervisor shall immediately forward the original investigative report and one copy of the DPS form to the Chief of Police. These papers shall be in the Chief's Office no later than the next working day.
    - c. The supervisor shall prepare sufficient copies and make distribution. d. When approved by the Chief, the complete report of the supervisor's
    - d. When approved by the Chief, the complete report of the supervisor's action will be forwarded to the Internal Affairs Section for processing and subsequent filing with the servicing Personnel Officer.

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- 3. If the supervisor with the concurrence and approval of the Director of Personnel imposes immediate suspension for an indefinite period, the same procedures indicated above shall be followed. The indefinite suspension period shall be consecutive. There shall be no days off or other type leave to break continuity of the suspension schedule.
- 4. If the supervisor imposes an oral reprimand or counseling, the complete investigative report shall be forwarded to the Chief of Police, via channels. When approved, the reports will be submitted to the Servicing Personnel Officer for filing.
- 5. If the supervisor recommends a demotion or dismissal, forward the completed investigation to the Chief of Police, via channels. If an immediate suspension was also imposed on the same incident, the supervisor shall follow the procedures for processing an immediate suspension. The recommendations for demotion or dismissal shall be processed via channels.
- B. Any investigation and action taken shall be in accordance with provisions of law, departmental Rules and Regulations, policies, and procedures in effect at the time. Copies of all disciplinary actions shall be forwarded to the Servicing Personnel Office.

# IV. SCOPE OF INVESTIGATIVE AUTHORITY

- A. The procedures outlined herein shall apply to:
  - 1. "On View" supervisory action.
  - 2. Investigations originating within the Department either by supervisory or private citizen complaint.
  - 3. Investigations administratively referred to the Watch or unit for completion.
  - 4. Any completed investigative report from other sources which is administratively referred to the Watch or Unit for disciplinary action.
- V. REVIEW OF ACTION

1 B. C. V.

All disciplinary actions taken under this Order shall stand as final unless amended by order of the Chief of Police or unless the officer or employee against whom the action is taken elects to exercise the right of grievance under the Departmental Directives or appeal to the Trust Territory Personnel Board as provided in 61 TTC 10 (15) (C).

- VI. PROCEDURES AND RESPONSIBILITIES UPON SUSPENSION
  - A. Whenever an officer is suspended, he shall surrender his badge, service issue revolver, and identification card forthwith to the officer who has suspended him. The badge, service issue revolver and identification card shall, as soon as possible thereafter, be delivered to his Division Commander or designate for appropriate disposition pending the outcome of the case. In the event of a prolonged suspension, the named items shall be returned to the police supply room.
  - B. An officer shall not wear his uniform or any part thereof during the period of suspension or pending the appeal of his dismissal.

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C. An officer shall not receive any compensation for the period of any suspension or pending the appeal of his dismissal.

The above adopted amendments to Regulations have been promulgated by the Attorney General under the authority as specified in Title 69, Chapter 1, Section 4 of the Trust Territory Code.

Danie

Attorney General

Approved:

Adrian P. Winkel

Adrian P. Winkel High Commissioner

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