

RULES & REGULATIONS

BUREAU OF PUBLIC SAFETY
MINISTRY OF JUSTICE
P.O. BOX 790
KOROR, PALAU 96940

PROPOSED

BUREAU OF PUBLIC SAFETY

RULES & REGULATIONS

PURSUANT TO 34 PNC § 5004

March 10, 1997
Eff. May 8, 1997

**NOTICE OF PROPOSED
BUREAU OF PUBLIC SAFETY RULES & REGULATIONS**

The following are proposed Bureau of Public Safety Rules & Regulations. These regulations are promulgated pursuant to the authority vested in the Attorney General by 34 PNC 5004 to prescribe rules and regulations for the administration and operation of the Bureau of Public Safety.

These proposed regulations provide for the following:

1. General establishment and function of the Bureau of Public Safety, including delineation and functions of the Divisions within the Bureau.
2. Management and chain of command, including overall structure and management principles.
3. Appointment, training, and promotion qualifications.
4. Standards of conduct, including personal conduct, general principles governing employee conduct, prohibited conduct, and job performance.
5. Personnel matters, including base salary, hazardous work duty differential, temporary hazardous work, night work, absence from duty, disciplinary action, and police practices committee.

Copies of these proposed regulations have been posted and are available for reading at the Ministry of Justice, the Office of the Attorney General, the Office of the Vice President, the Bureau of Domestic Affairs, the Judiciary Building, and at the Olbiil Era Kelulau.

Any written comments on these proposed regulations should be submitted to the Attorney General or Minister of Justice during the 30 day notice period.

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**BUREAU OF PUBLIC SAFETY
RULES AND REGULATIONS**

ARTICLE I: GENERAL PROVISIONS

PART ONE: BUREAU OF PUBLIC SAFETY RULES & REGULATIONS. The Rules & Regulations of the Bureau of Public Safety are hereby established, and shall hereafter be referred to as the “Bureau Rules & Regulations” or “Rules & Regulations”. It is and shall be a composite of current rules and regulations pertaining to the Bureau of Public Safety. It describes the Bureau’s organizational structure and identifies its functional objectives. It also details personnel procedures and articulates employee standards of conduct. All employees of the Bureau are to conform with the provisions contained herein.

PART TWO: AUTHORITY. These Rules & Regulations are issued pursuant to 34 PNC Section 5004.

PART THREE: LEGALITY OF CONTENTS. If any section, subsection, item, clause or phrase contained in the Bureau Rules & Regulations is found to be illegal or otherwise incorrect or inapplicable, such finding shall not affect the validity of the remaining provisions of the Bureau Rules & Regulations.

PART FOUR: EFFECT. These Rules & Regulations supersede and rescind the Republic of Palau Bureau of Public Safety Rules & Regulations issued and approved on December 22, 1988, hereinafter referred to as the “1988 Regulations.” However, all the provisions of Article VII, Parts B through M of the 1988 Regulations, to the extent they are not inconsistent with anything herein, will remain in effect as policy directives.

PART FIVE: OTHER STANDARDS AND PROCEDURES GOVERNING BUREAU OPERATIONS AND EMPLOYEE CONDUCT. The Director may issue policy directives for the purpose of establishing or implementing Bureau policy and not otherwise inconsistent with the provisions of the Bureau Rules & Regulations. Only the Director has the authority to issue a policy directive.

A. Article VII Parts B through M of the 1988 Regulations. As provided for in Part Four above, Articles VI and VII of the 1988 Regulations remain in effect as policy directives.

B. Existing Policy Directives. All existing policy directives not otherwise superseded or rescinded remain in effect. For example, the Firearm Policy Directive issued by the Director on November 30, 1994 remains in full force and effect.

1. Dissemination of Policy Directives. The Director is responsible for insuring that any policy directive issued during his tenure is distributed to all affected employees. A copy of all policy directives shall be maintained in a binder located in the administrative office that is available for review upon request by any employee.

a. Any person outside the Bureau may also review the binder upon submission of a written request to the Director.

C. Operations Manual. In addition to issuing policy directives, the Director may, with the approval of the Minister, issue a Bureau of Public Safety Operations Manual to supplement the Rules & Regulations in establishing operational norms and standards of conduct and otherwise establishing or implementing Bureau policy.

PART SIX: APPLICABILITY. All employees of the Bureau shall be subject to the Bureau Rules & Regulations and any policy directive of the Bureau at all times, whether on or off duty and including all periods of absence whether authorized or unauthorized. Provisions that refer only to police officers shall apply with equal force to all employees, including administrative staff and fireman.

PART SEVEN: GRAMMATICAL CONSTRUCTION. The following rules of grammar shall apply throughout the Bureau Rules & Regulations.

A. Construction of Tenses: The present tense includes the past and future tenses.

B. Construction of Gender: The masculine gender includes the feminine and neuter genders.

C. Construction of Singular and Plural: The singular number includes the plural, and the plural the singular.

D. Mandatory and Permissive Verbs: “Shall” is mandatory, and “may” is permissive.

PART EIGHT: DISTRIBUTION. Copies of the Bureau Rules & Regulations shall be issued to each division office, the administrative section, all sworn employees and to such other offices and desks where repeated references to the Bureau Rules & Regulations are made by employees.

PART TEN: [sic] RESPONSIBILITY FOR MAINTENANCE. The Deputy Director and each division chief shall be responsible for the maintenance and care of the copy of the Bureau Rules & Regulations assigned to their office, division or area.

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A. Distribution to Employees. Upon receipt of a personal copy of the Bureau Rules & Regulations, sworn employees below the rank of Captain shall:

1. Sign a form indicating he received a copy of the Bureau Rules & Regulations;
and
2. Ensure that the document is maintained in a serviceable condition and available for reference.

**ARTICLE II:
THE BUREAU OF PUBLIC SAFETY
GENERAL ESTABLISHMENT AND FUNCTION**

PART ONE: CREATION OF THE BUREAU OF PUBLIC SAFETY. As provided for in 34 PNC Section 5001, there shall be a police force to be known as the Bureau of Public Safety (the “Bureau”) consisting of an armed, uniformed and trained group of persons in sufficient number and ranks to effectively maintain law and order within tile Republic of Palau.

The Bureau shall be organized by voluntary recruitment and shall function under the immediate supervision of a Director. The strength of the Bureau shall be determined by the President upon recommendation of the Director and approval of the Minister of Justice.

PART TWO: DUTY OF THE BUREAU. It shall be the duty of the Bureau, under the direction of the Director, to preserve the peace, maintain order, enforce all laws, conduct criminal investigations, assist in the conduct of prosecutions in the courts of the Republic in the name of the Republic, act as bailiffs and other court attendants as necessary, serve legal processes issued by competent judicial authority, operate and administer all penal institutions in the Republic, and extinguish fires and operate all fire protection equipment within the Republic.

PART THREE: FUNCTIONAL OBJECTIVES. In addition to the more general responsibilities articulated in Part Two above, the Bureau shall endeavor to perform the following:

- A. Prevent crime within and when appropriate outside the Republic of Palau through community involvement and education.
- B. Take steps to deter crime through routine patrol and the investigation of behavior which reasonably appears to be criminally related.
- C. Apprehend criminal offenders.
- D. Recover lost or stolen property, identify its owners and ensure the prompt return
- E. Facilitate the safe and expeditious movement of vehicular and pedestrian traffic by enforcing traffic laws, investigating traffic collisions and directing traffic.
- F. Assist in routine and emergency situations that require intervention of law enforcement officials.
- G. Upon the request of appropriate officials, assist in emergency situations that do not normally require intervention of law enforcement officials.

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- H. Respond to medical and other life threatening emergencies.
- I. Respond to fire emergencies.

**ARTICLE III:
ORGANIZATION OF THE BUREAU OF PUBLIC SAFETY**

PART ONE: DIRECTOR OF THE BUREAU. There shall be a Director of the Bureau of Public Safety (“Director”) who is responsible to the President through the Minister of Justice.

A. Responsibilities. The Director shall be responsible for the protection of person and property and the enforcement of the laws of the Republic. The Director shall be responsible for carrying out all rules and regulations regarding the organization, operation and duties of the Bureau, including but not limited to the following specific responsibilities:

1. Oversee operations within the Division of Patrol, the Division of Criminal Investigation, the Division of Fire Protection, the Division of Corrections and Rehabilitation, Division of Drug Enforcement and the Division of Marine Law Enforcement.
2. Serve or execute promptly every lawful process directed to him by a court or an officer authorized to issue process. Delivery of a process directed to the Director or to a Captain of police shall be considered delivery to the Director and, subject to the directions of the Director, the Captain receiving such process shall proceed to execute the same without delay.
3. Provide a bailiff for all sessions of the courts of the Republic.
4. Act as fire marshal.
5. Perform such other duties as may be prescribed by law or assigned to him by the President or Minister of Justice.

PART TWO: MINISTER OF JUSTICE. The Director shall report to the Minister of Justice on a regular basis, but in no event less than once a month, on operations within the Bureau. The Minister of Justice may require that the Director report to him more often.

PART THREE: DIVISION OF PATROL. There shall be a Division of Patrol which shall be headed by a captain.

A. Functions. The Division of Patrol shall be responsible for the following duties and functions:

1. Provide mobile land, sea and air police services; prevent crime; control traffic; provide protection at public service functions; enforce all laws; serve criminal process;

2. Provide manpower needed to respond to fires and other emergencies, including medical emergencies;
3. Conduct investigations of traffic and misdemeanor offenses and prepare such cases for prosecution;
4. Provide patrol services throughout Koror State and other states as assigned; and
5. Carry out other duties as assigned.

PART FOUR: DIVISION OF CRIMINAL INVESTIGATION. There shall be a Division of Criminal Investigation, which shall be headed by a captain.

A. Functions. The Division of Criminal Investigation shall perform the following duties and functions:

1. Serve as the primary investigative arm of the Bureau; conduct major investigations involving felonies and other crimes as assigned by the Director;
2. Oversee the preparation of felony criminal cases and where appropriate misdemeanor criminal cases for prosecution; and
3. Carry out other duties as assigned.

PART FIVE: DIVISION OF FIRE PROTECTION. There shall be a Division of Fire Protection, which shall be headed by a captain or fire chief.

A. Functions. The Division of Fire Protection shall perform the following duties and functions:

1. Respond to fire alarms and combat fires with the assistance of patrol officers as required;
2. Maintain fire trucks and other equipment to be fully operational and ready for use in fighting fires and attending arrivals and departures of aircraft as required;
3. Inspect fire extinguisher in all public buildings; inspect government property for fire safety and, where appropriate, remove from public areas hazardous or flammable materials;

4. Provide emergency services in case of typhoons, tidal waves or other natural disasters in coordination with the National Emergency Management Office and with the assistance of patrol officers as required;
5. Dispatch ambulances in response to medical emergencies or as may be required;
6. Assist as needed in criminal investigations involving arson;
7. Enforce fire safety measures as specified in building codes and laws as applicable; and
8. Carry out other duties as assigned.

PART SIX: DIVISION OF CORRECTIONS AND REHABILITATION. There shall be a Division of Corrections and Rehabilitation, which shall be headed by a captain or prison warden.

A. Functions. The Division of Corrections and Rehabilitations shall perform the following duties and functions:

1. Administer and operate a national penal institution that provides for the daily care and housing of all prisoners;
2. Develop and manage a prisoners' program to provide a work force [sic] for public or government projects;
3. Develop and administer rehabilitation programs and projects, including, to the extent possible, vocational training in areas such as handicrafts, woodcarving and farming; and, [sic]
4. Carry out other duties as assigned.

PART SEVEN: DIVISION OF MARINE LAW ENFORCEMENT. There shall be a Division of Marine Law Enforcement, which shall be headed by a captain.

A. Functions. The Division of Marine Law Enforcement shall be responsible for the following:

1. Marine surveillance of the Republic's territorial waters and its 200-mile Exclusive Economic Zone ("EEZ") and the enforcement of laws and regulations related thereto including, but not limited to, laws and regulations regarding fishing, environmental protection

and illicit narcotics trafficking.

2. Coordination, organization, and assistance in any search and rescue operation or function within the jurisdiction of the Republic of Palau pursuant to any applicable governmental search and rescue plan.

B. Coordination. The Division of Marine Law Enforcement shall coordinate its activities with other appropriate agencies of the government, including but not limited to the Water Safety Board, the Environmental Quality Protection Board, and the Division of Marine Resources in the Ministry of Resources and Development.

PART EIGHT: DIVISION OF DRUG ENFORCEMENT. There shall be a Division of Drug Enforcement, which shall be headed by a captain.

A. Functions. The Division of Drug Enforcement shall be responsible for the following:

1. Enforcing all laws related to illicit drugs, including the cultivation, distribution, transport and sale or use of same; and,
2. Enforcing all laws related to the purchase and consumption of alcoholic beverages.

B. Coordination. The Division of Drug Enforcement shall coordinate its activities with other Divisions of the Bureau and other appropriate agencies of the Government.

PART NINE: ADMINISTRATIVE SECTION: [sic] There shall be an administrative section, which shall be headed by the Deputy Director.

A. Functions. The Administrative Section shall be responsible for the following:

1. Ensuring that each of the Divisions within the Bureau possesses necessary equipment and supplies and maintaining records of the disposition of such material;
2. Overseeing personnel matters and maintaining personnel records;
3. Preparing a budget, maintaining financial records and providing fiscal support for all operations within the Bureau;
4. Evaluating staffing needs within the Bureau;

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5. Disseminating information to the public;
6. Issuing drivers' licenses and identification cards;
7. Inspecting and registering automobiles; and
8. Other duties as assigned by the Director.

**ARTICLE IV:
MANAGEMENT AND CHAIN OF COMMAND**

PART ONE: OVERALL STRUCTURE. The Director is the ultimate person in command of all Bureau operations. However, the Director must necessarily limit the number of persons who report to him. Therefore, to ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Director.

The Director, in consultation with the captains of each division shall establish the applicable chain of command within each division. Employees must be aware of their relative position in the Bureau, to whom they are immediately responsible and the persons that are accountable to them. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities.

A. Director. The Director remains the person with ultimate responsibility for management of all operations within the Bureau.

In the event the Director is off-island or otherwise unable to carry out his responsibilities, he shall, with the approval of the Minister of Justice, appoint an Acting Director.

1. The Acting Director must be a police officer who holds the minimum rank of sergeant.
2. The Director shall post a notice in the Bureau identifying the Acting Director and the anticipated period of time that the individual will serve as Acting Director.
3. The Deputy Director shall serve as Acting Director in all instances in which the Director has failed to appoint an Acting Director or the person designated to serve as Acting Director is unable to fulfill his responsibilities as Acting Director.
 - a. Any dispute as to who is Acting Director shall be resolved by the Minister of Justice.

B. Division Captains. Each division shall be under the supervision and control of a division captain. The division captain shall report to the Director on a regular basis, but in no event less than once a week. In addition, each division captain shall prepare a written summary of operations within his division and submit it to the Director on a bi-weekly basis. In the event a division captain is off-island or otherwise unable to carry out his responsibilities, the Director shall appoint someone to supervise operations within the Division during the division captain's absence.

C. Shift Commander. Each division captain shall appoint a senior officer to serve as the shift commander for each shift. All employees working during that shift remain under the supervision and control of the shift commander.

1. The shift commander is responsible for the detailed supervision and on-the-job training of personnel assigned to his shift. He is responsible for all operations that occur during the shift. If necessary, he may delegate authority for specific supervisory tasks to his subordinates. However, the shift commander may not delegate nor relinquish his overall responsibility for results nor any portion of his accountability.

a. The shift commander will inspect and brief the personnel of his shift prior to their going on duty.

b. The shift commander will be made aware of all incidents occurring during his shift. He will assist and advise subordinates in the investigation of accidents or incidents and will assume command of emergency situations that require action by police personnel until relieved by proper authority.

c. The shift commander will review and approve all reports prepared by personnel of his shift prior to submission to insure completeness and accuracy.

d. The shift commander will be responsible for keeping the Director and division captain advised of any incidents that require higher supervisory action.

e. The shift commander will perform such additional duties as required by the Director or division captain.

2. All employees shall recognize and respect the position of the officer in charge by effectively and efficiently carrying out all lawful orders that may be issued by the shift commander or his designee.

In instances in which the shift commander or his designee are [sic] not available to provide instruction where instruction is needed, the most senior officer at the scene shall take temporary command and supervise officers to the extent necessary to resolve the immediate situation.

3. The outgoing shift commander shall brief the incoming shift commander.

4. The Director or involved division captain(s) may appoint someone other than the shift commander to supervise a particular operation, especially where it is one involving employees from more than one division. For example, drug raids often utilize officers from several divisions. In such cases, the Director or involved division captains shall appoint

someone to function as the commanding officer for that particular operation.

PART TWO: RANK. The order of rank in the Bureau, as established by the Director of the Bureau of Public Service System, shall be as follows:

- * Director
- * Deputy Director
- * Captain
- * Police Detective Lieutenant
- * Police Lieutenant
- * Police Detective Sergeant
- * Police Sergeant
- * Police Detective
- * Police Officer III
- * Police Officer II
- * Police Officer I

PART THREE: MANAGEMENT PRINCIPLES. Effective management requires the careful exercise of judgment and discretion. All supervisors are responsible for ensuring that their orders are properly executed, and therefore must give directions clearly and effectively. Supervisory personnel should make use of positive disciplinary techniques, such as the following to promote satisfactory supervisor-subordinate relationships:

- * *Inspiration*. The ideals and objectives of public service in the police field shall be developed and exemplified by the conduct and actions of supervisory members of the Bureau.
- * *Explanation*. Department policies and objectives shall be presented to the employee by means of reasoned consideration of issues. Supervisors shall adopt an attitude of guiding employees by sound logic and clear thinking, rather than by arbitrary orders and commands [sic] and shall strive for willing response and cooperation from subordinates.
- * *Encouragement*. Supervisors shall be aware that recognition of good work is an indispensable need in the employee's relationship with the Bureau and shall make certain that meritorious acts and accomplishments are rewarded, either by personal encouragement and praise, or by formal commendation.

Where appropriate, supervisory personnel shall recommend disciplinary action where employees fail to adequately perform their duties or are otherwise guilty of misconduct.

**ARTICLE V:
APPOINTMENT, TRAINING AND PROMOTION**

PART ONE: APPOINTMENT. All employees shall be hired in accordance with the procedures set forth in 33 PNC Sections 402, 403 and applicable Public Service System regulations. The Director shall work with the Director of the Bureau of Public Service System to establish competitive examinations for the relative fitness of candidates for positions within the Bureau. To serve as an officer within the Bureau, each applicant must satisfy the criteria set forth in Sections A through E below.

A. Physical Qualifications. All applicants shall, prior to acceptance, be given a thorough physical examination and shall be qualified only if they can perform the essential functions of the position for which they are applying without endangering the safety of themselves or others.

1. Once appointed, the Bureau shall regularly review employees' physical fitness. Any employee may be required to undergo a physical for the purpose of determining his fitness to perform the essential functions of his job. If it is determined that the employee is unable to safely perform his responsibilities, the Bureau may require that the employee undergo physical training to maintain his assignment.

If despite physical training the employee remains unable to safely perform his responsibilities, the Director shall review whether the employee can be transferred to a less physically demanding position. If no such positions are available, the Director may take whatever steps are necessary to ensure the safety of the employee and other members of the Bureau, including possible dismissal.

B. Ability to Drive. All applicants must possess a valid Palau driver's license. In addition, they must take and pass a road test to ensure that they are able to safely handle a car under adverse conditions, including high speed and poor weather.

1. Once appointed, employees whose position requires them to drive may be required to take and pass a road test. The failure to successfully pass such a test may result in the employee being transferred to a position where he is not required to drive.

2. Persons assigned to the Division of Fire Protection must take and pass a separate test of their ability to operate the fire fighting vehicles.

C. Mental Qualifications. Applicants must be high school graduates and able to read and write in Palauan. Applicants must also have a working knowledge of English. No person may be promoted beyond the rank of Police Officer unless he has completed a minimum of 21 semester credit hours of post-secondary education or the equivalent in the Police Academy.

D. Moral Qualifications. No applicant will be appointed who has been convicted of a crime in any jurisdiction that constitutes a felony offense under Palau law. Similarly, no applicant will be appointed who has a record of two or more crimes in any jurisdiction that constitute a misdemeanor involving dishonesty, moral turpitude or violence under Palau law.

1. Once appointed, if an employee is convicted of a crime that constitutes a felony under Palau law, or is convicted of two or more crimes involving dishonesty, moral turpitude or violence that constitute misdemeanors under Palau law, he shall be terminated.

E. Oath. Upon appointment to the Bureau, every officer, including reserve officers and special appointees, before taking on any duties shall swear in writing to the following:

I, _____, solemnly swear that I will faithfully support the Constitution and laws of the Republic of Palau, and that I will conscientiously and impartially discharge my duties as a Public Safety Officer of the Bureau of Public Safety, so help me God.

PART TWO: TRAINING. The Bureau has an obligation to provide a professional standard of law enforcement service to the community. In fulfilling that responsibility, it is essential that Bureau personnel be properly trained. This is true not only at the entrance level where officers must receive basic training prior to their assumption of police responsibilities, but it is a continuous process throughout their careers. Training is provided to accommodate Bureau needs and to actualize the interest and concern which the Bureau has for the self-improvement and personal development of its employees.

A. Recruit Training. The training provided recruit officers is a continuation of the selection process whereby efforts are made to screen out those who are lacking in police aptitude. In all recruit training, emphasis is placed on developing the reasoning ability and judgment of each officer.

B. On the Job Training. An officer's training continues after graduation and throughout his tenure as a police officer. It is the responsibility of all officers to teach those with whom they work the skills and knowledge necessary to perform the job at hand. Supervisory and commanding officers of all ranks have the responsibility not only to train subordinates to perform assigned tasks, but also to familiarize all subordinates with their supervisor's job as well so that employees are prepared to assume additional responsibilities should the need arise.

C. Responsibility for Implementing Training. It shall be the responsibility of the Director and his staff to determine the training needs at all levels within the Bureau and to implement programs necessary to achieve those objectives.

1. The Director shall issue a Policy Directive that outlines the training objectives and requirements for all Bureau personnel.
2. At a minimum, all recruits must successfully pass a basic course on criminal law and procedure, which shall include but is not limited to instruction on how to conduct a lawful arrest, search and seizure and the appropriate use of force.
3. All existing personnel shall take and pass an annual refresher course on criminal law and procedure.

D. Failure to Comply with Training Requirements. The failure to comply with established training requirements shall be grounds for disciplinary action, including removal from office.

PART THREE: PROMOTION. It shall be the policy of the Bureau to promote to higher rank and advance to higher pay levels 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.

Upon vacancies authorized above that of Police Officer, promotions shall be made on the basis of competitive examination, work performance and seniority, in accordance with the National Public Service System Rules & Regulations.

Procedures for exam administration and determination of results shall be developed by the Director and the appropriate National Public Service System personnel. The purpose of such exams shall be to initiate promotional lists for each supervisory rank.

**ARTICLE VI:
STANDARDS OF CONDUCT**

PART ONE: PERSONAL CONDUCT. Bureau personnel must conduct themselves in a professional manner at all times, both in the execution of their duties and in their personal life.

PART TWO: GENERAL PRINCIPLES GOVERNING EMPLOYEE CONDUCT.

A. Loyalty. In the performance of their duty to serve society, police officers are often called upon to make difficult decisions. They must exercise discretion in situations where their rights and liabilities and those of the Bureau hinge upon their conduct and judgment. Officer's decisions are not easily made and occasionally they involve a choice that may cause them hardship or discomfort. Officers must be faithful to their oath of office, the principles of professional police service and the objectives of the Bureau, and in the discharge of their duty they must not allow personal motives to govern their decisions and conduct. This duty of loyalty shall include avoidance of public criticism against the Bureau or fellow officers.

B. Integrity. The public demands that the integrity of its law enforcement officers be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire Bureau. Succumbing to even minor temptation can be the genesis of a malignancy that may ultimately destroy an individual's effectiveness and may contribute to the corruption of countless others. An officer must scrupulously avoid any conduct that might compromise the integrity of himself, his fellow officers, or the Bureau.

C. Respect for Others. Biases or prejudices relating to factors such as race, ethnicity, sex, age, economic status, or position within the community must not be allowed to influence decisionmaking or conduct by Bureau personnel. While employees are entitled to their personal beliefs, they must not allow individual feelings or prejudices to enter into professional contacts. Employees must treat one another and the public with respect and be constantly mindful that other people are individuals with emotions and needs as significant as their own. Respect for personal dignity is an integral part of the Bureau's management philosophy and must be practiced by everyone. Employees shall treat all persons with respect and courtesy, and conduct themselves in a manner that will foster the greatest harmony and cooperation between themselves and other members of the Bureau and the public.

D. Personal Appearance. Public Safety officers are in contact with the public continuously, both on and off duty. Appearances effect the public's perception of law enforcement officers. Hence, a neat appearance is essential for every employee.

E. Conduct Unbecoming an Officer. A police officer is the most conspicuous representative of government and to the majority of the people the officer is or should be a

symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when the officer's actions are found to be excessive, unwarranted or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of officers, on or off duty, may reflect on the Bureau, officers must at all times conduct themselves in a manner which does not bring discredit to themselves, the Bureau or the Republic.

PART THREE: PROHIBITED CONDUCT. The following conduct is expressly prohibited and may result in disciplinary action, including removal from office.

A. Use of Alcohol. Law enforcement requires officers [sic] to be mentally alert and physically responsive at all times. Accordingly, the use of alcohol, including beer, wine or hard liquor, while on duty is absolutely prohibited. Additionally, no employee shall report for duty while under the influence of any intoxicating beverage. Any employee who uses alcohol while on duty or who reports for duty under the influence of alcohol will be immediately relieved of duty and subject to further disciplinary action, including possible dismissal.

1. The Bureau recognizes that alcoholism and stress-related problems are genuine medical problems. Every employee should be aware of the symptoms of alcoholism and stress and should not hesitate to seek professional assistance for themselves or offer to help fellow employees affected by these disorders.

Supervisory personnel becoming aware of behavioral patterns indicative of alcoholism or stress among Bureau employees should immediately meet with the concerned employee to determine if alcohol abuse or stress may be causing the problem behavior. Initially, the supervisor should encourage the concerned employee to voluntarily seek assistance from qualified professionals if alcohol abuse or stress is the basis for an employee's problem. If necessary, the concerned employee may be directed to participate in a program to address such disorders.

2. While not prohibited, any consumption of alcohol while off-duty must comport with the employee's general duty to conduct himself professionally and in a manner becoming a law enforcement officer. Accordingly, even while not on duty, employees should not consume excessive amounts of alcohol. Excessive public consumption of alcohol may result in disciplinary action.

3. The Director may establish guidelines for testing for the presence of alcohol in any employee. Any such guidelines shall be in writing.

B. Use of Controlled Substances. The use of controlled substances except as permitted by law is absolutely prohibited. No employee shall possess or use any controlled substance while on duty or report to duty while under the influence of a controlled substance

except as permitted by law. If an employee is lawfully prescribed and is lawfully taking a controlled substance which interferes with his ability to perform his duties he shall not report for duty but shall instead take sick leave. Anytime an employee is taking a controlled substance he shall so notify his immediate supervisor. If the supervisor determines that the use of the substance interferes with the employee's ability to perform his duties, the employee shall be relieved of further duty for the duration of time that the use of the substance interferes with his ability to perform his duties.

1. The Director may establish guidelines for testing for the presence and/or use of controlled substances by any employee. Any such guidelines shall be in writing.

C. Physical Abuse. Employees shall not physically abuse anyone. Physical abuse includes, but is not limited to, direct beatings, sexual assault, unreasonable physical constraint, or prolonged deprivation of food or water.

D. Commission of any Criminal Act. Employees shall not engage in any criminal act or misconduct. Any police officer convicted of more than two misdemeanors involving dishonesty, moral turpitude or violence shall be terminated. Any police officer convicted of a felony shall be terminated.

E. Violation of Bureau Rules & Regulations or Policy Directives. All employees shall comply with the letter and spirit of the Bureau Rules & Regulations and policy directives. Failure to do so may result in disciplinary action, including possible dismissal.

F. Sleeping. Personnel are strictly prohibited from sleeping while on duty.

G. Truthfulness. Employees must respond truthfully to questions by, or render all material and relevant statements to a competent authority. For purposes of this section a competent authority includes, but is not limited to, the Police Practices Committee, any judicial body, the Special Prosecutor or his designee, or the Attorney General or his designee, including all Assistant Attorneys General.

H. Political Activities. An employee of the Bureau may not:

- * be a candidate for public office;
- * take an active part in political management or political campaigns;
- * use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

- * directly or indirectly coerce, attempt to coerce, command, or advise an employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

I. Outside Employment. No employee shall engage in outside employment that is incompatible with the discharge of his duties as a law enforcement officer. The nature of law enforcement requires Bureau employees to have the ability to work irregular duty schedules which are subject to change in meeting deployment needs. Additionally, it is necessary that an employee have adequate rest to be alert while on duty. For these reasons, and because certain occupations inherently conflict with an employee's primary responsibility to the Bureau, the Bureau may impose conditions on outside employment or may prohibit it altogether. Determination of the degree of limitation will be based upon the interest of the Bureau in furthering professionalization, protecting the reputation of the employee and the Bureau, and ensuring that the Bureau receives full and faithful service in return for its expenditure of resources.

1. Procedures for Engaging in Outside Employment. An employee shall not engage in any outside employment before submitting a written summary of proposed duties, location, and employer to the Director. The Director shall determine whether the proposed employment is not incompatible with the Bureau employment. If the Director approves the employment, the employee shall not change the nature or location of the outside employment before submitting the proposed change for review by the Director. The Director may revoke his approval of the outside employment if he subsequently determines that it is incompatible with the employee's work with the Bureau. Continued performance of outside employment that has been determined to be incompatible with the employee's primary responsibility to the Bureau shall constitute misconduct and may result in disciplinary action.

2. Prohibited Employment. The Director shall determine whether particular outside employment is incompatible with the employee's primary responsibility to the Bureau. Prohibited outside employment includes activities which:

- * Involve any employment, activity or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to the employee's duties as an employee of the Bureau or with the duties, functions or responsibilities of the Bureau.

- * Involve, for private gain or advantage, the use of Republic time, facilities, equipment or supplies; or the badge, uniform, prestige or influence of the employee's official position.

- * Involve receipt or acceptance by the employee of any money or other consideration from anyone other than the Bureau for the performance of an act which the

employee would be required or expected to render in the regular course or hours of Bureau employment or as a part of his duties as a Bureau employee.

* Involve such time demands as would render performance of his duties as a Bureau employee less efficient.

3. Conduct While Engaged in Outside Employment. In all cases of outside employment, the primary duty, obligation, and responsibility of an employee is, at all times, to the Bureau. An employee engaged in outside employment shall conduct himself in the same manner as if on-duty, with particular emphasis on personal appearance, courtesy, attention to duty and the prevention of violations by his or her employer. Failure to do so may lead to disciplinary action and/or revocation of authorization to engage in outside employment.

An officer, while engaged in outside employment, if and when the occasion arises, shall at all times take proper action on any offense or condition of which he has, or acquires, knowledge, and which would normally require police attention, including arrests and making reports.

J. Conflict of Interest. All employees must also avoid any activity, irrespective of whether it constitutes outside employment, that conflicts or gives the appearance of conflicting, with the employee's primary employment and duties within the Bureau.

K. Conducting Personal Business. Employees shall not engage in personal business while on duty.

L. Use of Profanity. Employees shall be courteous to the public at all times and shall avoid the use of harsh, violent, profane or insolent language.

M. Disclosure of Confidential Information. All official files, documents, records, reports and information held by the Bureau or in the custody or control of an employee of the Bureau shall be regarded as confidential. Employees shall not disclose or permit the disclosure or use of such files, documents, reports, records, or information except as required in the performance of their official duties. The unauthorized use of information obtained through employment with the Bureau may result in disciplinary action and/or criminal prosecution.

1. Any public request for information on the status of a case, investigation or other proceeding shall be referred to the Director. This includes requests for information by lawyers for defendants, suspects or witnesses, as well as media representatives. The unauthorized dissemination of information may result in disciplinary action.

N. Preferential Treatment. Employees are prohibited from seeking the influence or intervention of any organization or persons inside or outside the Bureau for purposes of personal

preferment, advantage, transfer or advancement.

O. Gifts, Gratuities, Fees, Rewards, Etc.. Employees shall not solicit nor accept any gifts, gratuities, loans or fees where there are any direct or indirect connections between the solicitation, gift, gratuity, loan or fee and their departmental membership or employment.

PART FOUR: JOB PERFORMANCE. The manner in which assigned duties are performed by a Bureau employee is indicative of his professional competence. Not only does this performance provide a basis upon which the officer is evaluated by his superior officer for purposes of retention or promotion, but it is the measure applied by the community in judging the effectiveness and professional ability of the department.

A. General Responsibilities. Officers shall, at all times, take appropriate action to:

1. Identify criminal offenders and criminal activity and, where appropriate, apprehend offenders and participate in subsequent court proceedings.
2. Reduce the opportunities for the commission of crime through preventative patrol and other techniques.
3. Aid individuals in danger or physical harm.
4. Protect constitutional guarantees.
5. Facilitate the movement of people and vehicles.
6. Assist those who cannot care for themselves.
7. Resolve conflicts.
8. Identify and report potentially serious law enforcement and government problems.
9. Create and maintain a feeling of security in the community.
10. Promote and preserve civil order.
11. Provide emergency services.
12. Enforce all national laws and state ordinances coming within the jurisdiction of the Bureau.

B. Duty. 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.

C. Attention to Duty. As most police work is necessarily performed without close supervision, the responsibility for the proper performance of officer's duty lies primarily with the officers themselves. Officers carry with them a responsibility for the safety of the community and their fellow officers. Officers discharge that responsibility by the faithful and diligent performance of their assigned duty. Anything less violates the trust placed in them by the people, and nothing less qualifies as professional conduct.

D. Knowledge of Laws, Regulations and Directives. Officers are expected to establish and maintain a working knowledge of State ordinances, Palau National Code, the Bureau Rules & Regulations, Bureau policy directives, and other procedures, policies or orders of the Bureau 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 employee was familiar with the law, rule, regulation, directive or order in question.

E. Compliance with Lawful Orders. The Bureau is an organization with a clearly defined hierarchy of authority. This is necessary because unquestioned obedience of a superior's lawful command is essential for the safe and prompt performance of law enforcement operations. The most desirable means of obtaining compliance are recognition and reward of proper performance and the positive encouragement of a willingness to serve. However, negative discipline may be necessary where there is a willful disregard of lawful orders, commands, or directives.

Officers and employees shall perform their duties as required or directed by law, Bureau 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.

Nothing herein shall require an officer to follow the unlawful commands of his superiors. Because an officer is charged with knowledge of the laws and these Rules & Regulations, he may be subject to discipline and possible criminal prosecution for engaging in unlawful conduct, even if done at the request or direction of a superior officer.

F. Cooperation. Cooperation among employees and divisions is essential for effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high level of cooperation.

**ARTICLE VII:
PERSONNEL MATTERS**

PART ONE: BASE SALARY. The base salary of all Bureau personnel shall be as established by law.

PART TWO: HAZARDOUS WORK DUTY DIFFERENTIAL.

A. Eligibility. Eligible employees of the Bureau of Public Safety shall receive a payment equivalent to 25% of their adjusted base salaries to reflect the hazardous conditions such employees encounter in the daily performance of their duties. This payment shall be known as the hazardous work duty differential.

1. To be eligible for the 25 % hazardous work duty differential, the employee must work a minimum of 960 hours during the calendar year in at least one of the following divisions: Patrol; C.I.D.; Fire; or Drug Enforcement.
2. Those personnel who are assigned to the administrative office, Corrections and Marine Enforcement and who are not otherwise assigned to one of the divisions identified in subsection (A) above for at least 960 hours in a calendar year, shall not be eligible for the 25% hazardous work duty differential.
3. The Director or his designee shall be responsible for posting on a quarterly basis the number of hazardous work duty differential hours worked by each employee.
4. The hazardous work duty differential shall be paid bi-weekly.

PART THREE: TEMPORARY HAZARDOUS WORK.

A. Eligibility. In the event that any employee, including those employees not eligible for the hazardous work duty differential in Section 1 above, is exposed to unusual and extreme hazards to their health and safety, the Director shall request temporary hazardous work compensation on behalf of such employees pursuant to Part 17.4(e) of the Rules and Regulations of the Public Service System. As provided for by Part 17.4(e) of the Rules and Regulations of the Public Service System, employees entitled to temporary hazardous work compensation receive such compensation only for those hours in which the hazardous work is performed.

1. Pursuant to this section, an employee who is not otherwise entitled to the hazardous work duty differential may nonetheless be eligible for the temporary hazardous work differential if he or she is exposed to unusual and extreme hazards.
2. Similarly, an employee who is eligible for the 25 % hazardous work duty

differential may be eligible for an additional temporary hazardous work differential in the event that the employee is exposed to hazards above and beyond those that he or she encounters on a daily basis. For example, if an employee is required to work with or in close proximity to any situation where a live bomb is being moved or defused, such work is deemed to be extremely hazardous and the Director shall apply for temporary hazardous work compensation on behalf of such employee for the period of time that the unusual and/or extreme hazardous work is performed.

3. Unusual and extreme hazards are defined in 33 PNC Section 413 and are incorporated herein by reference.

PART FOUR: NIGHT WORK.

A. Eligibility. In accordance with Part 17(f) of the Rules and Regulations of the Public Service System, additional compensation in the form of a night work differential of 15 % of an employee's base salary rate will be paid for all hours worked between 7:00 p. m. and 6:00 a.m., when such hours are included within the regularly scheduled hours of duty for the employee. To be eligible to receive the night work differential, the following criteria as specified in the Rules and Regulations of the Public Service System must be met:

1. Payment will be made only for actual hours worked which fall between the period of 7:00 p. m. and 6:00 a.m.; and
2. The payment is restricted to include only those regularly scheduled work hours within the specified time period which constitute all or a part of the employee's regular hours of duty.

B. When Payment Should Not Be Made. Payment will not be made for the following situations:

1. An employee whose regular hours of duty include scheduled hours during the period of 7:00 p.m. and 6:00 a.m., but who is absent and does not actually perform work during those hours;
2. An employee required to perform work during the hours of 7:00 p.m. to 6:00 a.m. and those hours are not a part of his regularly scheduled hours of night work duty;
3. Work performed during a period of time that the employee is paid a Standby Differential as provided for in Part 17(g) of the Rules and Regulations of the Public Service System.

C. Forms & Work Schedules. To place employees on scheduled hours of night work duty, the appropriate form shall be initiated and approved by the immediate or next higher level supervisor and approved by the appropriate management official.

1. The supervisor is responsible for preparing and submitting complete work schedules covering each employee regularly scheduled to work hours falling between 7:00 p.m. and 6:00 a.m. An employee's immediate or next higher level supervisor shall initiate the appropriate form to remove employees from night work status when such requirement is no longer justified.

PART FIVE: ABSENCE FROM DUTY. Unless otherwise directed, employees shall report for duty at the time and place specified, properly attired and equipped. If an employee is unable to do so, he shall notify the Bureau as soon as possible and in accordance with procedures to be established by the Director.

Any employee who fails to report for duty without the consent of a competent authority will be considered Absent Without Official Leave (AWOL) unless the absence is due to a bona fide emergency.

PART SIX: DISCIPLINARY ACTION. Employees shall be subject to disciplinary action for acts of misconduct, including the following:

- * Commission of a criminal offense;
- * Violation of the letter or spirit of the Bureau Rules & Regulations or any Bureau policy directive or articulated policy or procedure;
- * Neglect of duty;
- * Conduct that reflects unfavorably on the employee or the Bureau; and
- * Any conduct or act that merits adverse action under the Rules & Regulations of the Public Service System.

A. Types of Disciplinary Action. Disciplinary action includes counseling, oral reprimand, written reprimand, suspension, demotion or termination. Suspension, demotion and dismissal constitute "adverse actions" and are subject to the procedural requirements of Title 33 of the PNC and governing Rules & Regulations of the Public Service System.

B. Authority for Taking Disciplinary Action. The shift commander and division captains are authorized to implement the following types of disciplinary actions:

- * Counseling
- * Oral Reprimand
- * Written Reprimand

Only the Director, with the approval of the Minister of Justice, is authorized to suspend, demote or dismiss Bureau employees.

C. Procedures for Implementing Minor Disciplinary Action. Minor disciplinary actions include counseling and oral and written reprimands. The Director shall determine the procedures applicable to minor disciplinary actions.

D. Procedures Governing Adverse Actions. An adverse action is a demotion, suspension or dismissal. Only the Director, with the express approval of the Minister of Justice, is authorized to take adverse action against Bureau employees. All adverse actions must comply with the applicable provisions of Title 33 and the Rules & Regulations of the Public Service System.

1. A shift commander, division captain, or any Bureau employee with the rank of Sergeant or above, may recommend adverse action based on a specific incident or incidents of employee misconduct. Any such recommendation shall be submitted to the Director.
2. Upon receipt of a recommendation to take adverse action, or if the Director otherwise learns of employee misconduct warranting adverse action, the Director shall review the underlying facts and if necessary designate someone to investigate the incident. If the incident constitutes a public act of police misconduct, the Director shall refer the matter to the Police Practices Committee in accordance with Part Five below.
 - a. Where practicable, the Director or his designee shall obtain the involved employee's explanation of the incident(s).
3. If the evidence substantiates the act of misconduct, the Director shall make a recommendation as to what adverse action, if any, is appropriate. The proposed disciplinary action shall be fair, impartial and consistent with the circumstances of the case.
4. If the Director recommends adverse action, he shall submit his recommendation, either orally or in writing, to the Minister of Justice for approval. No adverse action may be implemented without first obtaining the Minister's express approval of the action.

5. If the Minister of Justice approves the adverse action, he shall so notify the Director, who shall be responsible for implementing the action.
 6. The Director shall notify the employee of the adverse action in writing and in accordance with the notice requirements set forth in Part 11 of the Rules & Regulations of the Public Service System.
 7. If the action is a suspension or temporary demotion for less than three working days, it may take effect immediately upon delivery of notice to the employee. A copy of the notice shall be placed in the employee's personnel folder.
 8. If the action is a suspension or temporary demotion for three or more working days, it may take effect immediately upon delivery of notice to the employee only if at the time of delivery a copy of the notice is in the employee's adverse action and personnel files.
 9. If the adverse action is dismissal or permanent demotion, the employee shall be afforded at least ten working days notice of the action before it takes effect.
 10. In accordance with 33 PNC Section 426, as amended, an employee may contest his dismissal, demotion or suspension as follows:
 - a. By Appeal to the National Civil Service Board. Any regular employee who is suspended for more than three working days, dismissed or demoted, may appeal to the National Civil Service Board ("Board") within fourteen (14) calendar days after receiving written notice of the suspension, dismissal or demotion. Upon such appeal, the appealing employee and responsible management official shall each have the right to a hearing, to present evidence, and to be represented by counsel of his or her own choosing. At the hearing, technical rules of evidence shall not apply, and the evidence taken may be taken stenographically or by recording machine. Within sixty (60) days the Board shall render its findings of fact and final decision in writing. An employee who fails to appeal within the time prescribed in this subsection may not bring an action in any court to contest his suspension, dismissal or demotion.
 - b. By Action in Court. Any regular employee who is suspended for more than three working days, or dismissed or demoted, may bring an action for reinstatement and loss of pay in the Trial Division of the Supreme Court within sixty (60) calendar days after written notice of the decision of the Board in the government's favor.
- E. Suspension Pending Investigation. In accordance with Part 11.5(a)(3) of the Rules & Regulations of the Public Service System, the Director may suspend an employee pending an investigation by the Bureau of any charge against the employee. The Director shall notify the

employee in writing of the suspension. The notice shall comply with the more general notice provisions of Part 11.6 of the Rules & Regulations of the Public Service System. The suspension may take effect immediately provided that a copy of the notice is placed in the employee's adverse action and personnel files at the time the notice is delivered to the employee.

1. Any employee suspended in accordance with this provision shall surrender his badge, service revolver and identification card to the Director during the pendency of the investigation. He shall receive no compensation during the suspension unless authorized by the Director.
2. The Director shall ensure that investigation is conducted as expeditiously as possible.

F. Basis for Immediately Relieving an Employee of Duty. Anytime the shift commander determines that an employee is unable to perform his responsibilities, the shift commander shall immediately relieve the employee of any further duty.

1. For example, anytime an employee is under the influence of alcohol or any illegal substance, he shall be immediately relieved from further duty.
2. Anytime the shift commander relieves an on-duty employee from further duty for a reason other than sudden illness, he shall make a written report of the incident and submit copies to the division captain and Director.
3. Upon receipt of any such report, the Director shall conduct an investigation and determine what further action, if any, is necessary.

PART SEVEN: POLICE PRACTICES COMMITTEE: [sic] There is a compelling public interest in both preventing police misconduct and ensuring that officers guilty of misconduct are appropriately disciplined. Accordingly, the Police Practices Committee, at times referred to herein as the "Committee," is responsible for reviewing and if appropriate investigating complaints of police misconduct; making recommendations on appropriate disciplinary action, if any, for particular incidents of police misconduct; and recommending procedures and/or practices to prevent police misconduct.

A. Composition of the Committee. The Minister of Justice, with the approval of the President, shall select seven persons to serve on the Police Practices Committee. Three members shall be public law enforcement officials from the Bureau of Public Safety; three members shall be persons from outside the Bureau of Public Safety; and one member shall be a lawyer from the Office of the Attorney General. The Minister shall appoint one of the members to serve as the Chair of the Committee.

B. Definition of Police Misconduct. The term “police misconduct” as used in this Part encompasses public acts of misconduct by law enforcement officials. The Police Practices Committee is not charged with reviewing internal disciplinary matters, which should be handled by management. For example, the Police Practices Committee is not charged with reviewing complaints of employee tardiness, absenteeism or failure to perform.

C. Procedures for Submitting Complaints. The Director shall proscribe procedures for citizens to file complaints involving police misconduct. These procedures shall be clearly displayed at the Bureau in an area visible to the general public.

1. All complaints of police misconduct shall be referred in the first instance to the Director. If the Director determines that the complaint is non-trivial, he shall promptly refer it to the Police Practices Committee for review.

D. Investigations of Misconduct by the Committee. Upon receipt of a complaint of police misconduct, the Police Practices Committee shall review and investigate the incident. Upon completion of its investigation, the Police Practices Committee shall submit a written report to the Director on the matter. The Committee shall also make recommendations to the Director as to appropriate disciplinary action.

As part of its investigation, the Committee may interview witnesses, including employees within the Bureau.

1. Any employee who is the subject of an investigation by the Police Practices Committee or possesses information needed by the Police Practices Committee in its investigation shall cooperate with the Committee.

- a. If an employee is requested to provide information to the Police Practices Committee he shall cooperate fully. Failure to provide the requested information or failure to appear before the Committee to answer questions shall be considered insubordination and could result in disciplinary action.

- b. The knowing failure to provide true and accurate information to the Police Practices Committee shall be considered insubordination and dishonesty and shall result in disciplinary action.

2. When an administrative interrogation focuses on or involves possible criminal misconduct by an employee, the employee shall be advised of his legal rights, including his right to a lawyer, before questioning begins, or at the point at which the interrogation begins to focus upon possible criminal misconduct if that were not the case at the beginning of the administrative interrogation. If the employee waives his rights, no further admonition is

necessary.

If the employee declines to waive his rights and the interview is to continue, a member of the Police Practices Committee shall read the Administrative Admonition of Rights as follows:

- * Your silence could be deemed as insubordination and lead to administrative discipline, which could result in your discharge or removal from office; and
- * Any statements made under compulsion of the threat of such discipline cannot be used against you in any subsequent criminal proceeding.

After reading the employee the Administrative Admonition of Rights, the employee shall sign a form indicating that he has been so advised. This form shall be identified as the Administrative Admonition of Rights Form.

If the Committee concludes that there is probable cause to believe that the employee engaged in criminal wrongdoing, it shall refer the matter to the Office of the Special Prosecutor for further investigation and prosecution. Notwithstanding any referral to the Special Prosecutor, the Committee shall complete its investigation and submit a report to the Director in accordance with Section E below.

3. The Committee may require that personnel within the Bureau conduct additional investigation of the complaint.

E. Disposition of Complaints. Upon completion of its review and/or investigation of the incident of alleged police misconduct, the Committee shall submit a written report to the Director of its conclusions and findings. The Committee shall classify the complaint as follows:

- * UNFOUNDED--When the investigation indicates the act complained of did not occur.
- * EXONERATED--When the investigation indicates the act occurred but that the act was justified, lawful and proper.
- * NOT RESOLVED--When the investigation discloses insufficient evidence to prove or disprove clearly the allegations made.
- * SUSTAINED--When the investigation discloses that the act complained of did occur and constitutes misconduct.
- * MISCONDUCT NOT BASED ON THE COMPLAINT--When the investigation

discloses misconduct that is not part of the original complaint.

1. Where the Committee concludes that there has been police misconduct, it shall include recommendations as to appropriate disciplinary action, if any, to be taken against the involved employees.

a. The Committee's recommendations on disciplinary action are not binding on the Director. The Director and the Minister of Justice retain final authority for imposing disciplinary action in all cases, including cases referred to the Police Practices Committee.

F. Recommendations to Reduce Police Misconduct. The Police Practices Committee shall also review existing practices and procedures at the Bureau and make recommendations on how to reduce police misconduct.

G. Parallel Investigations. Nothing herein shall prevent the Bureau or the Minister of Justice from undertaking a separate review and/or investigation of any complaint of police misconduct.

Proposed by:

(s) [John Corderman]
Attorney General
Republic of Palau

Date: [March 10, 1997]

Approved by:

Kuniwo Nakamura
President
Republic of Palau

Date: _____

[effective date handwritten on the front page is May 8, 1997]