

Title 69.

Public Officers and Agencies.

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CHAPTER 1.

MICRONESIA POLICE.

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§ 1. Creation; composition; supervision. — 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 numbers and ranks to efficiently maintain law and order within the Trust Territory. The Micronesia police shall function under the general supervision of the Attorney General and such technical supervisors as the High Commissioner shall appoint from time to time. (Code 1966, § 240; Code 1970, tit. 69, § 1.)

§ 2. District police detachments; created; supervision; composition. — (1) A detachment of the Micronesia police shall be organized in each district of the Trust Territory by voluntary recruitment. The district police shall function under the general supervision of the district administrator and under the immediate supervision of the superintendent of public safety. Each district police detachment shall consist of the following ranks:

(a) Chief of police, appointed under the provisions of section 51, chapter 3 of this title;

(b) Captains of police, appointed under the provisions of section 53, chapter 3 of this title;

(c) Sergeants;

(d) Patrolmen; and

(e) Probationary patrolmen.

(2) The strength of each detachment shall be determined by the High Commissioner upon recommendation of the district administrator and the approval of the Attorney General. (Code 1966, § 240(a); Code 1970, tit. 69, § 2.)

§ 3. Same; duties. — It shall be the duty of the district police detachment, under the direction of the district chief of police, to preserve the peace, maintain order, enforce all laws, conduct criminal investigations, assist in the conduct of prosecutions in the community and district courts in the name of the Trust Territory, act as bailiffs and other court attendants as necessary, serve legal processes issued by competent judicial authority, operate and administer all territorial penal institutions, and operate all fire protection equipment within the district. (Code 1966, § 241; Code 1970, tit. 69, § 3.)

§ 4. Promulgation of rules and regulations for administration and operation. — 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. (Code 1966, § 242; Code 1970, tit. 69, § 4.)

Rules and regulations of insular constabulary. — Rules and regulations of insular constabulary have force and effect of law. *Fontana v. Trust Territory*, 2 TTR 616 (App. Div. 1959).

CHAPTER 2.

CHIEFS AND CAPTAINS OF POLICE.

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51. Chiefs of police; appointment; term; vacancies.

52. Same; duties.

53. Police captains; appointment; term; special captains.

Sec.

54. Same; duties.

55. Liability for damages.

§ 51. Chiefs of police; appointment; term; vacancies. — 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. Chiefs of police shall be appointed by the High Commissioner from nominations submitted by the district administrators. 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 to serve as 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. (Code 1966, § 245; Code 1970, tit. 69, § 51.)

§ 52. Same; duties. — The district chief of police shall:

(1) Head the district police detachment in the district for which appointed and be responsible for the supervision of all members of such a detachment and for carrying out all rules and regulations regarding the organization, operation and duties of the district police;

(2) Supervise the prisons and jails for the district, be responsible to the district administrator for the proper operation of all jails and prisons located in his district and for the receipt and proper treatment, housing, feeding and clothing of all prisoners committed to his charge;

(3) 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 a chief or to a captain of police shall be considered delivery to the chief and, subject to the directions of the chief, the captain receiving such process shall proceed to execute the same without delay;

(4) When commanded by the court, personally attend any session of the high court held in his district and obey all lawful orders and directions issued by such court;

(5) Act as district fire marshal;

(6) Perform such other duties as may be prescribed by law or assigned to him by the High Commissioner; and

(7) Provide a bailiff for all sessions of the district court held at the district courthouse in his district and when certified by a district court to be necessary because a suitable bailiff provided by the municipality is not available, and provide a bailiff for any other district court sitting in his district. (Code 1966, § 246; Code 1970, tit. 69, § 52.)

§ 53. Police captains; appointment; term; special captains. — There shall be in each district a sufficient number of regularly appointed police captains to enable the chief of police to carry out his duties promptly and efficiently. Captains of police shall be appointed by the district administrator from nominations made by the chief of police. In an emergency, whenever required for the efficient performance of his duties, the chief of police shall appoint special captains as required. Police captains shall serve for two years, unless sooner removed for cause or by reason of a reduction in force, and may

be reappointed. Persons appointed special captains in an emergency shall serve until released by the officer making the appointment or his superior. (Code 1966, § 247; Code 1970, tit. 69, § 53; P.L. No. 5-53.)

§ 54. Same; duties. — A police captain shall act under the direction of the chief of police and shall have all of the authority and responsibility of the chief of police when so acting. In the absence of specific directives and when the chief of police is not available, as in the case of a police captain on an outer island, a police captain shall act in all respects as though he were the chief of police and shall be liable for his acts or failure to act to the same extent that a chief of police would in like circumstances. (Code 1966, § 248; Code 1970, tit. 69, § 54.)

§ 55. Liability for damages. — Chiefs of police shall not be liable for any damages resulting from the lawful execution of the duties imposed by this Code or any other law of the Trust Territory but they shall act upon their own private accountability for all excesses of their official powers and for any departure from the lawful provisions of any process in their hands. A chief or captain of police to whom any lawful process is delivered shall be personally liable for any damages caused by his failure to serve or otherwise execute the same with reasonable diligence. (Code 1966, § 252; Code 1970, tit. 69, § 55.)