

- BY LAW - NUMBER 27 -

Whereas we the Saugeen Band Council wish to amend By-Law Number 16 establishing regulations of the Saugeen Reserve Police Force

And Whereas a meeting was held on August the 7th, 1984 at the Saugeen Indian Reserve No. 29 at the Saugeen Council Chambers

And Whereas a motion was moved by Ms. Marie Mason and seconded by Mrs. Harriet Kewaquom that we, the Saugeen Band Council enact the following by-law to amend By-law No. 16 and thereby repeal Sections 3 and 4 of the said By-law No. 16 and amend Section 2 to read

- 2. There shall be established regulations for the Saugeen Reserve Police Force as per attached Appendix A.

This By-law is passed pursuant to paragraphs (c), and (q) of Section 81 of the Indian Act R.S.C. 149 s.1.

..... James Mason
 Chief
 Saugeen Indian Reserve

..... Richard Kahgee
 Band Administrator
 Saugeen Indian Reserve

..... Roy Wesley
 Councillor

..... Oliver Kahgee
 Councillor

..... Mildred Ritchie
 Councillor

..... Frank Shawbedees
 Councillor

..... Arnold Solomon
 Councillor

..... Marie Mason
 Councillor

..... Chester Ritchie
 Councillor

..... Harriet Kewaquom
 Councillor

BY-LAW # 16 APPENDIX "A"

A By-Law to Establish Rules & Regulations
For the Operation of the Saugeen Police Force

1. In this By-Law:

- (a) Beat, means a designated area of patrol
- (b) Chief, means the Chief Constable who is appointed in charge as Supervisor.
- (c) Committee, means the appointed members of the Saugeen Police Committee
- (d) Constable, means a member of the Saugeen Police Force who is appointed as a Band Constable for the Saugeen Reserve or a Special Constable by the Commissioner of the Ontario Provincial Police
- (e) Council, means the elected members of the Saugeen Band Council.
- (f) Duty Officer, means that Constable on duty as per the published and authorized duty roster
- (g) Duty Roster means a list of personnel in the order in which a duty is to be performed.
- (h) Force, means the whole complement of the Saugeen Police Force.
- (i) Member, means a member of the Saugeen Police Force
- (j) Officer-in-Charge, means if only one constable is on duty he shall be the Officer-in-Charge. If two or more constables are on duty the senior officer shall be the Officer-in-Charge.
- (k) Rules & Regulations, means the rules and regulations as adopted by Saugeen Band Council for the operation of the Force.
- (l) Senior Officer, means that constable with the most seniority as designated by the Chief and does not necessarily include length of service.
- (m) Tour of Duty, means a designated shift of duty.

PART I
POLICE COMMITTEE

1. Council shall appoint a Committee which shall consist of a minimum of three (3) members, who will elect a chairman. Any lawful motion will be deemed to have been carried if agreed to by the majority of the Committee.
2. All members of the Committee shall be sworn to keep police matters confidential and shall not discuss such confidential matters with any unauthorized person.
3. The Committee, which is subject to Council is responsible for the policing and maintenance of law and order on the Saugeen Reserve and the members of the Police Force are subject to the supervision control and direction of the Committee and shall obey its lawful direction.
4. The majority of the Committee shall constitute a quorum.
5. Where a vacancy occurs on the Committee the Council in co-operation with the Committee shall appoint another qualified person to the Committee as soon as possible after the vacancy occurs.
6. The members of the the Police Force shall be selected by Band Council and after such selection, the members of the Police Force are subject to the government of the Committee and shall obey its lawful direction.
7. When the Police Force has two (2) or more Constables, the Committee may appoint a Chief Constable to take charge of the Police Force and the members of the Force shall obey all lawful orders of the Chief Constable.
8. A member of the Police Force shall not remain or become a member of any Trade Union without the consent of the Committee.
9. The Band Council may direct the Committee to inquire into and report to them upon any matter relating to:
 - (a) The extent, investigation and control of crime or
 - (b) The enforcement of law.
10. The Committee shall on or before the 1st day of February of each year, prepare and submit to Council a summary of the activities of the Police Force during the previous year.

PART II

RESPONSIBILITY OF THE CHIEF CONSTABLE

1. The Chief shall direct and guide the Police Force of the Reserve in accordance with the policies as established by the Council and ensure that all members of the Force are discharging their responsibilities as law enforcement and peace officers in order that law and order may be maintained in the Reserve.
2. The Chief shall:
 - (a) be responsible for the general administration, direction and discipline of the Force.
 - (b) be responsible for enforcing the Rules and Regulations of the Force as adopted by the Committee.
 - (c) issue from time to time, such routine orders as he deems necessary, not inconsistent with the Rules and Regulations of the Force, to deal with particular matters or duties as they arise.
 - (d) Ensure that all applicable Statutes, both Federal and Provincial, in addition to municipal by-laws, are enforced within his jurisdiction.
 - (e) provide such reports, estimates and statistics as to apprise the Committee of the administrative and operational performance of the Force.
 - (f) by order designate a constable as Acting Chief, to act in his stead when temporarily absent; ie, vacations, training, lengthy illness or leave of absence.
 - (g) ensure that all levels of responsibility are clearly specified and delegated.
 - (h) furnish each member of the force with a copy of the Rules and Regulations of the Force and instruct that the same be read.
 - (i) be responsible for and be aware of conditions and performance of personnel within the Force.
 - (j) ensure that all books and records are correctly and neatly kept, and that all official reports, records and documentation are properly and accurately written, and provide safe custody for the same.
 - (k) familiarize himself with all expenses incurred and monies paid out in connection with the Force, and no order or account will be paid without his certification, authorizing said account for the payment.
 - (l) cause all applicants, for appointment to the Force, to be carefully screened in accordance with the procedure laid down and cause those deemed best qualified for the service to appear before the Committee.

- (m) exercise the power of immediate suspension in such cases, as in his judgement demand such action, which shall be reported immediately to the Chairman of the Committee.
- (n) receive all correspondence, communications and all matters relating to official business of the Force.
- (o) receive all letters of resignation. Such letters shall be written on the letterhead of the Force and shall only contain a request for permission to resign on a given date.
- (p) submit to the Committee all particulars of any special meritorious services of any member of the Force.
- (q) be responsible for the In Service Training of the Force and in this respect will set up an annual program to arrange lectures, training and examination on such programs. He shall see that all personnel are properly trained in the use of firearms or other weapons as deemed necessary. Arrangements for special training may be made at any time he finds necessary.
- (r) conduct a performance appraisal of all constables on a regular basis, at not less than one year intervals and from such appraisals give guidance and counselling when he deems necessary. The results of these appraisals and follow-ups shall be reported to the Committee.

If vehicles or persons are in a district where they generally have no business to be at late hours of the night, or on Sundays or holidays, such persons or vehicles may be stopped and requested to identify themselves and satisfy the officer on duty that they are on legitimate business.

9. (a) At the expiration of his tour of duty, a Constable shall not leave the beat or district until he or she is relieved or as is indicated on the Duty Roster.
(b) Court attendance is a requirement of duty and is to be treated in the above manner.
10. Every Constable shall write on the first page of his or her memorandum book their name and number. In this book, which will always be with the Constable when on duty, shall be entered under proper date the time of going on and off duty, nature of duty, names and addresses of all persons arrested, all particulars of arrests, the investigation of all accidents with the pertinent information, the weather, and all unusual incidents occurring during the tour of duty. All information will be noted in chronological order and will be subject to inspection at any time.
11. When making entries in memorandum books, no Constable shall tear out or remove any pages or make any erasures therein. Any error shall be crossed through and initialled.
12. Every Constable shall complete his or her daily journal before leaving the station at the end of the shift. The journal will contain all brief facts as in Paragraph 10.
13. No Constable shall engage unnecessarily in conversation with any person while on duty where the effect of such conversation will result in neglect of duty.
14. A Constable shall set an example of cleanliness, neatness in dress, activity and alertness and in their contact with members of the Force and the public shall cultivate a polite, courteous and businesslike manner at all times.

PART III
ROLE AND RESPONSIBILITY OF A CONSTABLE

1. All Constables of the Force are charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the Statutes of Ontario, the Criminal Law of Canada and the by-laws of the Reserve, and apprehending offenders, and commencing proceedings before the proper tribunal, and prosecuting and aiding in the prosecution of offenders and have generally all the powers and privileges and are liable to all duties and responsibilities that belong to constables.
2. All Constables shall assist the Chief in setting a high standard of police proficiency by acquiring a knowledge of police affairs and by his or her appearance, attitude, conduct and acting.
3. All Constables shall be governed by the Rules and Regulations as set out by the Committee and owe their immediate supervisor respect and loyalty at all times.
4. All Constables shall report for duty at their designated times, properly dressed and ready for duty, and shall familiarize themselves with and carry out duties assigned to them consistent with the Rules and Regulations and Standing Orders.
5. Immediately after reporting for duty, each Constable shall proceed to his or her assignment, beat or district without unnecessary delay and shall, as soon as possible, inspect the beat or district and note any conditions thereon requiring police attention. Failure to discover, report and take appropriate action in any of such cases within a reasonable time and after arriving at his or her beat or district shall be regarded as neglect of duty.
6. A Constable when on patrol duty, shall be constantly alert, observing everything that takes place within the Reserve and shall immediately report to the Chief anything of a dangerous character, or likely to occasion public inconvenience or anything irregular or offensive.
7. While on patrol at night, a Constable shall frequently examine all doors, window, alleyways, gates and gratings of buildings on the beat or district, and become acquainted by sight with all persons living or doing business on the beat or district, learn the time of closing of business places noting where lights are ordinarily left burning and the location of safes and vaults in such premises, being particular to note the time all persons of known bad character frequent the beat or district, investigate all suspicious circumstances that may present themselves.

PART IV
RULES AND REGULATIONS OF THE FORCE

Terms and Conditions of Service

1. All members of the Force, while in the employ of the Force shall abide by and be subject to, such Rules and Regulations as may be laid down for the governing and control of the Force.

Duties of the Members of The Force

- 2.(a) It is the duty of all members of the Force at all times, to protect life and property, prevent crime, detect and apprehend offenders, preserve the peace and enforce all laws and by-laws over which the Police have jurisdiction.
- (b) Every member of the Force shall carry out all lawful orders and shall, at all times, be punctual and prompt and perform all appointed duties, and attend to all matters within the scope of his or her office.
- (c) Every member, although off duty for certain allotted hours on ordinary occasions, shall be prepared to turn out to duty when their services are required to meet any given emergency.

Probationary Service

3. All Constables in the first twelve (12) months of their service shall be Probationary Constables, during which period they shall be subject to having their services dispensed with by the Committee or Council if they are found unsuitable for the duties and not likely to become an efficient Police Constable.

Intelligence and Physical Requirements

4. No member of the Force need expect to be promoted who is not fully capable of his or her duties, both in intelligence and physical endurance. Members continually on the sick list when their services are particularly required should not expect to be promoted as they cannot be depended upon.

Grievances

5. General grievances or complaints by any member of the Force may be laid at any time before the Saugeen Police Committee. Members may not make representation to the Committee except through the Chief and after giving him an opportunity of dealing with the complaint or grievance.

Retirement and Resignation

- 6.(a) Every member who is a Police Officer shall retire upon reaching the age of 65.

Effective Date

- (b) Retirement shall be effective in each case, upon the last normal working day of the month in which the member becomes 65 years of age.

Time Allowance For Resignation or Retirement

7. Members of the Force who are not entitled to retire and who wish to resign, are required to give two weeks notice, in writing to the Chief. However, the two week period may be waived upon good cause by the Chief with the permission of the Committee.

Resignation Requested

8. Resignations requested by the Force will become effective immediately upon the approval of the Chief and the Committee.

Good Conduct Statement Upon Resigning

9. A written statement of good conduct may be granted to a member leaving the Force, but not if the member:
 - (i) Is dismissed from the Force
 - (ii) has frequently been guilty of misconduct, although of a light nature.
 - (iii) has been guilty of any misconduct of a serious nature.
 - (iv) has left the force without giving due notice of intention to do so.
 - (v) has served less than twelve months.

Service Awards and Medals

10. The Long Service Medal may be issued to members of the Force, by the Committee, for those who qualify under the conditions outlined by the Ontario Provincial Police.

Commendation

- 11(a) A Commendation may be granted by the Committee for outstanding Police Service where an officer shows unusual alertness and initiative in performing his or her duty.

Procedure For Commendation

- (b) The Chief shall submit a report on any member of the Force who, in his opinion, is entitled to a Commendation and the particulars shall be fully outlined in the report. If more than one member has been engaged in the case, the report shall clearly state the part taken by each.
- (c) All Commendations granted by the Committee shall be published in General Orders and shall be entered on the member's Service Record.

Litigation

- 12(a) When a writ is served upon a member in a legal proceeding arising out of action taken in the discharge of police duty, notification of such together with a statement of the facts giving rise to the proceedings shall be forwarded to the Chief.

Confidential Information

- (b) No member of the Force will supply any information or discuss with any person any facts pertinent to any litigation without permission of the Chief.

Co-Operation

- (c) Members shall at all times, co-operate with each other in mutual interest affecting the operation of the Force.

Release of News and Information

- 13.(a) A member of the Force shall treat as confidential the official business of the Force. He shall not talk for publication, nor be interviewed, nor make public speeches on police business of the Force except:
- (i) Under due process of law
 - (ii) As directed by or with the permission of the Chief.
 - (iii) To those to whom he is directed, under the Rules and Regulations to impart information regarding business of the Force.

Member Authorized To Release Information

- (b) A member of the Force designated by the Chief may give to the news media such information as he deems necessary. However, any occurrence, deaths, robberies, etc., shall be released by the Chief only.

When Information Cannot Be Released

- (c) Information shall be withheld under the following conditions:
- (i) The items may be of assistance to criminals or suspected persons.
 - (ii) May cause unnecessary pain or distress to individuals, such as in the case of suicide, etc.
 - (iii) Is of a confidential nature.
 - (iv) The identity of any person giving information to the police must never be disclosed or published.
 - (v) In answering or investigating any type of complaint the name of the complainant and the source of the complaint shall be confidential.

Chief Constable May Release Information

- (d) Any representative of the news media asking for assistance or information beyond that which can be given in accordance with the foregoing are to be referred to the Chief.

Political Activity

14. No member of the Force shall be permitted to be a delegate or representative of, or take part in any movement for the nomination or election of candidates for political office, and upon the days of election for public offices held under the laws of the Dominion of Province, he or she shall, whether specially assigned to attend the polls or otherwise, do all within his or her power to preserve the peace, protect the integrity of the ballot box, enforce the rights of lawful voters, and prevent illegal and fraudulent voting.

Badge of Identification

15. Each member of the Force will be provided with a badge with his or her official rank and an identification card inscribing his or her name and picture. This identification will be concealed and only produced and shown to establish the identity and authority of the bearer.

Full Time Occupation

16. All members of the Force shall make police work their full time occupation and will not engage in other forms of employment or hobbies concerning remuneration except as expressly authorized by the Chief and Committee.

Liability Charges

17. A member of the Force shall not incur any liability chargeable against the Reserve. A member of the Force shall promptly pay his or her just debts and shall not incur liability which they are unable or unwilling to discharge.

Issuing of Credentials

18. Members of the Force individually or on behalf of any police organization are prohibited from issuing to persons other than members or employees of the Force, on the active or retired list, any card, certificate, button or other device which assumes to grant to the person holding such credentials any special privileges or considerations.

Reporting Sick

- 19.(a) When it becomes apparent to a member of the Force that sickness or injury will prevent him or her from reporting for duty, he or she shall, when possible either by himself or herself or another person when possible, report such sickness or injury to the Chief as hereinafter set out;
- (i) On the afternoon and nightshifts four (4) hours before the commencement of his or her tour of duty.
 - (ii) On the day shift two (2) hours before the commencement of his or her tour of duty.

Report Each Day When Sick

- (b) A member, when absent through illness or injury, shall cause to be reported to the Chief each day that he will be absent from duty. However, if the duration will be for a greater length of time, then a report shall be submitted to the Chief regarding same. When the member intends to return to duty, he shall so inform the Chief in order to prepare proper scheduling.

When Doctor's Certificate Required

- (c) A member reporting ill or injured shall, when requested, cause a doctor's certificate to be forwarded to the Chief certifying as to the nature of the illness or injury and its probable duration.

Investigation Necessary When Injured On Duty

20. When a member is injured on duty, the Chief or his delegate shall cause a careful investigation to be made of the circumstances of the injury and shall report in writing as soon as possible to the Committee the result of his investigation.

No Other Occupation When Off Sick or Injured

21. A member who has reported off sick or injured shall not indulge in any other form of occupation during his or her period of convalescence unless authorized in writing by the Chief to do so.

proper Conduct

22. No member of the Force shall evade duty on the pretense of sickness or whose sickness or disability was caused by drinking intoxicating liquor or other improper conduct.

Claim Not To Be Accepted By Member

23. When a member is involved in an accident, while on duty and any amount is paid by the Force for salary, hospital or other expenses, no settlement shall be made in respect of any claim for damages arising out of such injury without the consent of the Committee.

Officer In Charge Of Station

24. Officers in charge of the station will ensure that Workmen's Compensation Board forms are completed and forwarded to the Chief immediately an accident is incurred. They shall see that the form is completed with all details of the actual injury suffered by the member.

Visit By Force Members

25. The Chief may visit or have someone designated by him to visit any member of the Force who has reported sick. Such visits will be properly reported to the Chief.

Courtesy and Respect

26. All members of the Force shall be courteous and respectful in their contact with the public on all occasions.
No member of the Force shall interfere with or attempt to influence the lawful business of any person.
All members of the Department shall treat their superior officers with respect at all times and on all occasions.

Change of Address

27. All members of the Force shall notify the Chief immediately of any change of address or telephone number.

Change of Marital Status

28. A member will notify the Chief not later than fifteen days following the date of any change of marital status.

Report Discreditable Conduct

29. A member shall immediately report to the Chief details of any instances where other members of the Force perform acts or conduct themselves in a manner which will, or is likely to bring discredit to the reputation of the Force.

Authority Of Constables

30. Every Chief Constable and Constable who is a member of the Saugeen Police Force is empowered to act as a Constable throughout the Dominion of Canada.

PART V

GENERAL PROHIBITIONS

Permission Required When Leaving Municipality On Police Force Business

1. Except as otherwise provided, no member of the Force shall leave the Reserve area on police force business without the permission of the Chief, but this rule shall not apply where it is necessary for a member of the Force to pursue wanted persons or automobiles, or to render necessary assistance.

Smoking Not Allowed

2. Members of the Force shall not chew tobacco, gum or any other substances or indulge in smoking when in uniform and in the presence of public view.

Entering Public House or Places of Amusement

3. Members of the Force, when on duty, shall not enter public houses, houses of entertainment, or other places of amusement or licensed premises, except in actual execution of duty or to make observations or investigations in the line of duty.

Consuming Intoxicants

4. No member of the Force shall indulge in intoxicants while on duty nor shall he have any liquor on his person or in a police vehicle or any other place, while on duty except as required on official business of the Force.

Associating With Unsavory Persons

5. A member of the Force shall not create doubt as to his or her ability to fulfill the conditions of the Oath of Office by living or associating with persons, through which association a discredit on the reputation of the police force is likely to result.

Telephones

6. Telephones of the Force shall be used for official business only. Telephone conversations shall be as brief as possible.

Answering Telephones

7. All police office telephones shall be answered promptly and the member answering shall state the full name of the Force, and give his or her rank and name in that order. The same shall apply when a member makes such a call to outside agencies.

Member Not To Suggest Counsel or Bondsman

8. No member of the Force shall recommend or suggest anyone for employment or name any person, any firm, or corporation, as solicitor, counsel or bondsman, but nothing herein shall be construed as restricting the rights of members in connection with the conduct of their private affairs.

PART VI
UNIFORM AND EQUIPMENT

Issue Of New Uniform Or Equipment

1. No member of the Force is to be issued any new articles of uniform unless he or she require it, irrespective of the length of time they may have had the previous issue of uniform.

Uniform Surrendered When Termination Of Employment

2. Articles of uniform and equipment shall be issued to members for official use only while on the Force and Shall be returned by the member on termination of employment or suspension, and any article lost or damaged through carelessness will be made good at the expense o the member to whom issued.

Responsible For Property

3. Members of the Force are responsible for the good care, proper maintenance and serviceable condition of the Force's property issued for, or assigned to their use.

Report Loss Or Damage

4. A member of the Force shall promptly report to the Chief the loss of damage to, or unserviceable condition of the Force's property issued for, or assigned to, his or her use.

Neatness, Cleanliness

5. A member is responsible for the neatness, cleanliness, and deportment of his or her person and must always, when on duty, appear in the prescribed dress.

Rank Insignia

6. Appropriate rank insignia shall be supplied the Force and all members shall wear insignia as directed by Committee.

Medals, Ribbons, Decoration May Be Worn

7. Medals, ribbons or decorations may be worn on uniforms when received for service in the Armed Forces or for police duty.

Improper Dress

- 8.(a) Without limiting the generality of any of the foregoing the following shall be considered improper dress or deportment:
 - (i) Carrying parcels, umbrellas or other articles except as required by police duty.
 - (ii) Wearing any article, button or pin which has not been issued by the Force except that which is otherwise authorized by the Chief.
 - (iii) Wearing of scarves, handkerchiefs or other items that show above the collar of the uniform coat and these shall not be of contrasting colour.
 - (iv) Wearing socks of any color other than plain black or plain dark navy blue with footwear that would allow them to be shown.
 - (v) Wearing gloves of contrasting colour to the uniform except as otherwise ordered.
 - (vi) Wearing any article of police uniform in conjunction with civilian clothing.

PART VII
POLICE STATION USED BY THE POLICE FORCE

For Police Business

1. Buildings and premises of the Force will be used exclusively for police business and the following regulations will apply.

Cleanliness

2. Strict order, discipline and cleanliness are to be observed at all times, in the police station and any other building or structures under jurisdiction of the Force.

Persons In Police Building

3. No person shall be permitted to remain in an office or any part of the station without the express permission of the Officer-in-Charge, excepting persons on official police business.

Members Restricted To Certain Areas

4. Members may be restricted to any office of the police station unless they are assigned to same, or have business there and then before going to such office they shall obtain permission from the Officer-in-Charge.

Disturbance or Noises

5. Irregularities, noises and disturbances by prisoners or others, within or in the neighbourhood of the station, are to be avoided as much as possible.

Prisoner's Phone Call

6. All persons under arrest shall be entitled to at least one phone call.

Unauthorized Persons Not Allowed In Search Area

7. Upon an arrest being made and a prisoner conveyed to the police station, parties unconnected with the police force are not to be permitted or allowed in or near the arrest and search room until after the prisoner has been properly booked and locked in a cell, and then only on the authorization of the Officer-in-Charge of the station.

Care of Building and Property

8. Strict economy shall be observed in the use of fuel, gas and electricity consistent with due regard to the comfort and the general efficiency of the Force and the proper transaction of business. Care shall be taken that the property of the Reserve is not wasted, injured or destroyed.

Report Room

9. The report room of the station will be occupied and used only by members of the police force for police purposes and not for the transaction of any business other than pertaining to the police force or as otherwise designated by the Chief.

Gambling

10. No money shall be played for or staked on the result of any games in departmental buildings.

Security of Building

11. It shall be the responsibility of the Officer-in-Charge of the station to have the police buildings secure after dark.

PART VIII
RECORDS AND REPORTS

Design Approval

1. Memo books, records and printed forms used by the police force shall be approved by the Chief, who may direct the style and form to be used and may from time to time make such changes as he deems necessary.

Books For Main Office

2. The following books shall be kept at the Main Office of the Police Station.
 - (i) Occurrence Board
 - (ii) Board (summons and warrants)
 - (iii) Activity sheet any other books and records that the Chief may consider essential for the purpose of recording the activities of the Force.

Entries of Records

- 3.(a) Entries in police force record shall be made without unnecessary delay accurately and concisely, in chronological order for such duties.
- (b) Erasures shall not be made in any of the books or documents connected with the duties of the Force. If corrections are necessary, an ink line shall be drawn through the incorrect matter, and correction entered immediately above and initialled by the person making same.

Removal of Files or Records

4. A member of the Force shall not remove official files from the building or offices, except as may be required and authorized in connection with the carrying out of his or her official duties or under the process of law, and official file, photograph, exhibit or record, and shall not, under any circumstances, during his or her period of service or after ceasing to be a member of the Force, retain in his or her possession, any files, photography, or other official records of the Force.

Transcript Of Records

5. An Officer-in-Charge of the police station shall see that no person has access to, or gives or makes transcript from a record of the Force, with the following exceptions:
 - (i) Under due process of law
 - (ii) Upon the authority or direction of the Chief
 - (iii) Upon the written request of a person injured in an accident or such person's duly authorized representative, or of a defendant, in an action for damages in an accident case, or such person's duly authorized representative.
 - (iv) When requested by a member of the Committee by the Crown Attorney, the Band Solicitor, or their representative.
 - (v) When investigators for the Saugeen Reserve, or insurers thereof, present a written request relating to an accident involving a vehicle of the said Reserve.

PART IX
PERSONNEL RECORDS

History File Of Members

1. A personal history file of each member of the Force will be maintained containing all personal data, promotions, good conduct, reports and breaches of discipline.

PART X
FORCE CORRESPONDENCE

Official Stationery To Be Used

1. Any communication containing matter relating to the official business of the Force or a member of it shall be deemed an official communication and shall be properly forwarded to its addressed designation, through official channels, unless otherwise directed by Chief and shall be made on official stationery.

Correspondence Carried Through Chief's Office

2. All official correspondence shall be signed by the Chief unless otherwise directed by him.
3. All correspondence from persons on matters of police duties, is to be carried on through the Chief or by his direction.

Reports To Be Signed

- 4.(a) All official reports shall be signed in the handwriting of the person making same.

Rank, Name and Number Required

- (b) When a reference to a member of the Force is made in the body of a communication, his rank or title, his name in full, and number, if any, shall be given.

Prompt Action On Correspondence

5. Communications from any person shall be promptly acknowledged, whether in writing or through an investigating officer and where it is appropriate, the writer will be advised that the matter is receiving attention.

Preserve Correspondence

6. All correspondence, communications and other papers received by the Force shall be carefully preserved, filed and indexed. Copies shall be made of all correspondence and communications sent out from the Force on official business.

PART XI
ORDERS, OCCURRENCES AND CIRCULARS

Categories

- 1.(a) Published orders shall be in two categories, namely Police Orders and Routine Orders.
- (b) Police Orders shall be orders of matters of importance which are of a permanent or general interest or which are to be continuously observed by the entire Force.
- (c) Routine Orders shall be orders, temporary in nature, regarding personnel, police details, functions and emergencies.

PART XI

Occurrences

2. Detailed information concerning robberies, thefts, persons wanted, missing persons, and all other incidents requiring police action, will be designated as "Occurrences" and published daily.

Circulars

3. Detailed descriptive information of any occurrences for distribution to other forces and to other areas shall be published in circulars.

Index System

4. Policy orders, routine orders, occurrences and circulars shall be numbered consecutively in separate series, each series beginning with number one and terminating at the last day of the calendar year, and each order shall be indexed under the subject matter for ready reference

Posting

5. All police orders and routine orders shall be posted so that every member of the Force has access to same.

Change of Policy

6. No form of policy or routine orders shall be issued which will conflict or change the provisions of the Rules and Regulations without the approval of the Committee.

Memo

7. The Chief may issue orders to the Force in the form of a memo, in order to clarify any rule or regulation or such other items as he feels is necessary for the carrying out of his duties.

PART XII

POLICE VEHICLES

Driver's Licence

1. No member shall operate a motor vehicle provided by the Force unless, licensed by the Ministry of Transportation and Communications, Motor Vehicle Branch. The licence shall be valid and no lesser classification than a Class "G" licence .

Vehicle Check Required

2. Members of the Force are accountable for the motor vehicle assigned them, and shall prior to each tour of duty, examine the motor vehicle and equipment thoroughly. Any irregularities shall be immediately reported to the Officer-in-Charge and entered in their memo books. This will include reports of any damage to vehicles.

Care of Departmental Vehicle

3. Except by authority, members of the Force, shall operate only the motor vehicle assigned them. Standard equipment furnished by the Force shall not be changed and nothing shall be added or taken therefrom. They shall not leave their vehicles unattended, except when necessary in the performance of police duty. In no instance shall the keys be left in an unattended vehicle. The ignition shall be properly locked to prevent theft, and if necessary, the doors shall also be locked when unattended except in an emergency.

PART XII

Operating Vehicles

4. All members of the Force operating motor vehicles shall drive in a cautious manner at all times and obey the traffic rules and regulations

Storage of Vehicles

5. Motor vehicles, when not in use shall be properly parked in areas designated for them.

Disabled Vehicle

6. The operator of a vehicle of the Force, whose vehicle becomes unserviceable while it is under his or her care or control, shall forthwith communicate with the Officer-in-Charge of the station and shall act under his or her instructions.

Responsibility of Driving at Excess Speed

7. Members of the Force operating police vehicles shall at all times, drive with caution and even under circumstances which necessitate driving at a speed in excess of that prescribed by law for other vehicles, take every precaution to prevent injury to anyone or damage to property.

Vehicles Used for Police Duties

8. All vehicles used by the Force are to be used for police purposes only.

Passengers

9. Members of the public are not to be driven about during tour of duty unless on official police business or expressly authorized by the Chief.

Gasoline Requirement

10. It shall be the responsibility of the person assigned to the police vehicle to see that there is sufficient gasoline in the tank of the vehicle to cope with any emergency that might arise.

PART XIII

POLICE RADIO USE

Radio Dispatcher Re Direct Control

1. All radio equipped vehicles shall be under the direct control of the Radio Dispatcher from the moment they report in service and all messages instructions or directions shall be responded to promptly. The Dispatcher shall immediately report any member who does not respond as required.

Official Business Only

2. No messages, other than the official business of the Force shall be transmitted over the radio.

Unauthorized Persons

3. No unauthorized personnel of the Force or otherwise unauthorized person will transmit over the police radio system, unless in an emergency.

Leaving Designated Patrol Areas

- 4.(a) No member of the Force shall leave his or her designated patrol area without notifying the Dispatcher unless in the case of emergency or necessity.

(b) All members of the Force in radio equipped vehicles shall not leave their vehicles without first notifying the Dispatcher, giving their location and where they can be located in case of emergency.

PART XV

Discharge of Firearm

4. (a) Any member of the Force who discharges a firearm for any reason, except on an authorized range, shall forthwith notify the Chief prior to completion of the tour of duty.
- (b) The Chief shall have a complete investigation made of the incident and if necessary, shall forward a report to the Chairman of the Committee.

Responsibility for Care

5. Each member of the Force is responsible at all times for the cleanliness safe handling and storing of firearms, ammunition or other explosives entrusted to him or her whether on or off duty.

Training and Practice

6. Each member of the Force shall undergo firearm training and practice from time to time as prescribed.

Periodic Inspection

7. It shall be the duty of the Chief to make periodic inspection of all firearms of the Force and ensure that all firearms are cleaned and oiled as deemed necessary.

Drawing of Firearms

8. Firearms must only be drawn when an officer is certain that it is in the defence of his or her own life or the lives of others under his or her protection, or in the apprehension of criminals that are known to be dangerous, and then only as a last resort, after every other known method has failed to prevent escape.

No Threatening Attitude

9. No police officer has the right to threaten any person by placing his or hands upon his gun or remove it from his or her holster or brandish it about.

XVI

USE OF FORCE

Criminal Code

1. The Provisions of the Criminal Code of Canada which define the circumstances under which a police officer may use force must be scrupulously observed.
2. Handcuffs may be used when:
 - (i) An officer arrests any person for which the offender may be arrested without a warrant and the officer has reason to believe the prisoner may attempt to escape
 - (ii) Attempts to escape
 - (iii) Prisoner is being transported from one place to another
- (b) Women or juveniles should not normally be handcuffed.
3. (a) An officer may use his baton:
 - (i) To prevent being over-powered if violently attacked
 - (ii) If attacked by a person armed with an offensive weapon
 - (iii) To prevent a prisoner from being taken forcefully from his custody
- (b) When a baton is used the officer should try to strike the person on the hand, arm or legs and avoid striking the person on the head. If the attacker has an offensive weapon, try and strike the hands or arms.

PART XVII

COURTS, SESSIONS AND ASSIZES

Dress At Court Attendance

1. All members of the Force attending Supreme Court, County Court and (a) Provincial Judges Court as witnesses or any other duty, are to appear in proper uniform, except if there are extenuating circumstances, and permission is granted by the Chief to wear plainclothes.
- (b) Members attending court in plainclothes shall be dressed in a suitable business suit, proper shirt and tie.

Officer In Charge At Court

2. The Officer-in-Charge of the court shall be responsible for:
 - (i) The preservation of strict order and decorum in and about the courts.
 - (ii) The checking and attendance of police officers attending such courts.
 - (iii) The proper control, care and safe custody of all prisoners while in the courts.
 - (iv) Entering the correct entries on the court docket.

Improper or Unsatisfactory Evidence

3. If a member of the Force gives improper or unsatisfactory evidence, or any remarks are made by a Judge, respecting unsatisfactory evidence given by a member, the Senior Office present shall so advise the Chief forthwith.

Attendance At Court

4. Members of the Force attending court shall not loiter in the corridors or carry on loud or unnecessary conversation with other members of the Force or public.

Information For the Crown Prosecutor

5. It shall be the duty of members of the Force having charge of cases coming before the courts to see that the Crown Prosecutor is supplied with all information necessary for their proper conduct.

PART XIII

- 4.(c) The above section will apply, except in a case of extreme emergency, when it is impracticable to do so. In such an event the member or members shall report to the Dispatcher as soon as possible, either by police radio or telephone.
- (d) In normal conditions they shall advise the Dispatcher immediately by radio that they are back in service.

Regular Contact With Dispatcher

5. If no messages or instructions are received or heard over the radio in a period of time, the member shall endeavour to contact the Dispatcher by radio in the police vehicle. If the member fails to contact the Dispatcher by radio, he or she shall contact the Dispatcher immediately by telephone.

Difficulties With Communications

6. The member in a radio equipped vehicle shall report to the Dispatcher any difficulties with the communications. If the Dispatcher cannot be contacted by radio, he shall be contacted by phone.

Immediate Response to a Radio Message

7. All members of the Force on duty in radio equipped vehicles receiving a radio message shall acknowledge receipt of the message and respond to a call immediately. If the message cannot be responded to immediately, the Dispatcher shall be notified of the reason.

Leaving The Station

8. No member of the Force shall leave the station in a radio equipped vehicle, without first advising the Dispatcher that they are leaving, the number of the vehicle being operated, the operator, any passengers accompanying the operator and the destination if known.

PART XIV

POLICE ESCORTS

Special Permits

1. At the discretion of the Chief, regular duty police escorts will be provided for commercial vehicles carrying loads for which a "Special" permit is required, and for funerals or other situations where there is likely to be interference with the free movement of traffic.

PART XV

USE OF FIREARMS

Issued On Authority

1. Firearms shall only be issued to those members of the Force who have been trained and passed a prescribed course of instructions to the satisfaction of the Chief or whose duties, as determined by the Chief require them to be armed.

Only Issued Firearm Carried

2. A member shall carry only his or her issue or authorized loaded firearm and spare ammunition.
3. A member of the Force shall exercise the utmost care in handling firearms or guarding explosives to prevent fatal and lamentable consequences.

PART XIX

CONTRAVENTION OF RULES & REGULATIONS

Failure to Comply

1. Failure of a member, without lawful excuse, to comply with any of the provisions of this By-law shall be deemed to be disobeying, omitting or neglecting to carry out his duty, and such member may be charged accordingly under the Discipline Code set out in this By-law.

PART XX

DISCIPLINE CODE

Discipline

- 1.(a) Where a Constable or other Police Officer is charged with an offence against this constitution, the charge shall be in writing on a charge sheet and a true copy of the charge sheet shall be served, as soon as practicable, upon the person charged, together with a statement of the allegations upon which the charge is founded.
 - (b) The charge sheet shall be signed by the members of the Committee and shall show the date upon which it is so signed.
- 2.(a) A statement of the particulars of the offence shall include an allegation of the place, date and time of the alleged committee of the offence
 - (b) The charge shall specifically designate whether the offence is minor or major.
 - (c) The charge sheet shall state the time and place that the person charged is to appear before the committee and such time shall be not sooner than seventy-two hours after the person charged has been served with a true copy of the charge sheet. The person charged shall be entitled to reasonable adjournments and when granted a new date shall be set.
 - (d) Where a person charged pleads not guilty to an offence, the Committee shall fix the time and place for a hearing of the charge, allowing the person charged a reasonable opportunity to prepare his defence.
 - (e) A person charged may represent himself or be represented by an Agent or Counsel of his choice and he or his representative may question, cross-examine and call witnesses.
 - (f) Where the person charged refuses or neglects without good and sufficient cause to attend the hearing at the time and place fixed, the case may be decided in his absence.

Where the offences charged is a minor offence.

- 3.(a) The evidence shall be given under oath but need not be taken down in writing. And:
 - (b) The person charged shall have an opportunity of:
 - (i) hearing the evidence against him,
 - (ii) calling witnesses, whether members of a Police Force or any other person, in his defence. And:
 - (iii) giving evidence as a witness on his own behalf.
4. Where the Committee has heard the charge, the witnesses and any representations made, they shall, after considering the matter, convict the person charged or dismiss the charge, as the case may be.
5. The decision of the Committee including the punishment, if any, shall be in writing and a copy shall be served forthwith upon the person charged.

PART XX

6. Where a person charge is acquitted, no reference to that charge or acquittal shall be entered in his personal record.
7. A person found guilty of a minor offence is liable to:
 - (a) a reprimand, or
 - (b) forfeiture of leave or days off not exceeding five days, or
 - (c) forfeiture of pay not exceeding three days pay.
8. Where the offence charged is a major offence:
 - (a) the witnesses shall be sworn.
 - (b) the evidence shall be recorded verbatim by a reliable means, and
 - (c) the person charged shall have an opportunity of hearing the evidence against him, calling witnesses, whether members of a Police Force or any other persons, in his defence, and giving evidence as a witness on his own behalf.
9. A person found guilty of a major offence is liable to:
 - (a) dismissal, or
 - (b) be required to resign and in default of resigning within seven days, to be dismissed from the force, or
 - (c) reduction in rank or graduation of rank, or
 - (d) forfeiture of leave or days off not exceeding twenty days, or
 - (e) forfeiture of pay not exceeding five days pay, or
 - (f) a reprimand, which may be imposed in lieu of or in addition to any other punishment imposed.
10. A person found guilty of an offence may appeal his conviction or the punishment imposed, or both, to the Council within fifteen days of receiving notice of conviction from the Committee.
11. The Council, on appeal, may after considering the evidence:
 - (a) confirm the conviction,
 - (b) quash the conviction,
 - (c) alter the punishment imposed as it deems just, or
 - (d) order a new hearing of the charge, and shall notify the person charged in writing of its decision.
12. Where a Constable or other Police Officer is suspected of or charged with a contravention of an Act of the Parliament of Canada, or is suspected of or charged with an offence against this constitution, the Committee may suspend him from duty, but where the Constable or other Police Officer is not charged within forty-eight hours after being suspended, he shall be returned to duty and paid for his regular tour of duty that he was suspended for.
13. Suspension of a Constable or other Police Officer shall cease on the determination of the charges against him.
14. The Committee may at any time revoke the suspension of a Constable or other Police Officer and order that he be returned to duty.
15. Any Chief Constable, other Police Officer or Constable commits an offence against this By-Law if he is guilty of:

DISCREDITABLE CONDUCT, that is to say, if he,

 - (a) acts in a disorderly manner, or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Police Force,
 - (b) is guilty of oppressive or tyrannical conduct towards an inferior in rank,

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15. (c) uses profane, abusive or insulting language to any other member of a Police Force,
(d) wilfully or negligently makes any false complaint or statement against any member of a Police Force,
(e) assaults any other member of a Police Force,
(f) withholds or suppresses a complaint or report against a member of a Police Force,
(g) is guilty of an indictable offence or an offence punishable upon summary conviction under the Criminal Code of Canada, or
(h) contravenes any provision of this constitution.

INSUBORDINATION, that is to say, if he,

- (2) (a) is insubordinate by word, act or demeanour; or
(b) without lawful excuse, disobeys, omits or neglects to carry out any lawful order.

NEGLECT OF DUTY, that is to say, if he,

- (3) (a) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the Police Force,
(b) idles or gossips while on duty,
(c) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,
(d) by carelessness or neglect permits a prisoner to escape,
(e) fails, when knowing where an offender is to be found, to report him or to make due exertions for bringing him to justice,
(f) fails to report anything that he knows concerning a criminal or other charge, or any person within his knowledge can give for or against any prisoner or defendant,
(g) fails to report a matter that is his duty to report,
(h) omits to make any necessary entry in any official document or book
(i) feigns or exaggerates sickness or injury to evade duty,
(j) is absent without leave or late for work, court or any other duty without reasonable excuse,
(k) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty.

DECEIT, That is to say, if he,

- (4) (a) knowingly, makes or signs a false statement in an official document or book,
(b) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties,
(c) without lawful excuse destroys or mutilates an official document or record or alters or erases an entry therein.

BREACH OF CONFIDENCE, that is to say, if he,

- (5) (a) divulges any matter which it is his duty to keep secret,
(b) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons,
(c) without proper authority communicates to the public press or to any unauthorized person any matter connected with the police force

PART XX

15.

BREACH OF CONFIDENCE, that is to say, if he,

- (5) (d) without proper authority, shows to any person not a member of the Police Force or any unauthorized member of the Force or any unauthorized member of the force any book, or written or printed paper, documents or report that is the property of the Police Force,
- (e) makes any anonymous communication to the Committee or the Chief of Police or supervisor or authority,
- (f) canvasses, except as authorized by the By-Law, any person in respect of a matter concerning the Police Force,
- (g) signs or circulates a petition or statement in respect to a matter concerning the Police Force, except through the proper official channels or correspondence or established grievance procedure, or
- (h) calls or attends any unauthorized meeting to discuss any matter concerning the Police Force.

CORRUPT PRACTICE, that is to say, if he,

6. (a) takes a bribe,
- (b) fails to account for or to make a prompt, true return of money or property received in an official capacity,
- (c) directly or indirectly solicits or receives a gratuity, present, pass, subscription or testimonial without the consent of the Chief Constable,
- (d) places himself under a financial or other obligation to a licensee concerning the granting or refusing of whose licence a member of the Police Force may have to report or give evidence,
- (e) improperly uses his character and position as a member of the Police Force for private advantage,
- (f) in his capacity as a member of the police force writes, signs or gives, without the consent of the Chief Constable, a reference or recommendation to a member or former member of the Police Force or any other police force, or
- (g) without the consent of the Chief Constable, supports in any way an application for a licence of any kind.

UNLAWFUL OR UNNECESSARY EXERCISE OR AUTHORITY, that is to say, if he,

- (7) (a) without good and sufficient cause makes an unlawful or unnecessary arrest,
- (b) uses any unnecessary violence to a prisoner or other person contacted in the execution of duty, or
- (c) in uncivil to a member of the public.

DAMAGE TO CLOTHING OR EQUIPMENT, that is to say, if he,

- (8) (a) wilfully or carelessly causes waste, loss or damage to any article of clothing or equipment, or to any book, document or other property of the Police Force, or
- (b) fails to report waste, loss or damage however caused.

CONSUMING INTOXICATING LIQUOR IN A MANNER PREJUDICIAL TO DUTY, that is to say, if he,

- (9) (a) while on duty is unfit for duty through drinking intoxicating liquor, or
- (b) reports for duty and is unfit for duty through drinking intoxicating liquor, or

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CONSUMING INTOXICATING LIQUOR IN A MANNER PREJUDICIAL TO DUTY, that is to say, if he,

- (9) (c) except with the consent of a superior officer or in the discharge of duty, drinks or receives from any other person intoxicating liquor on duty, or
- (d) demands, persuades or attempts to persuade another person to give or purchase or obtain for a member of the Police Force any intoxicating liquor, while on duty.

RECORD OF HEARING PROCEEDINGS

ADJOURNMENTS:

HEARING ADJOURNED TO _____

HEARING ADJOURNED TO _____

HEARING ADJOURNED TO _____

HEARING:

Be it remembered that _____
appeared before _____
to answer to said charge(s) contained in Charge Sheet(s) hereto
annexed or attached

Pleaded _____

to the said charge(s).

DISPOSITION:

Dated at _____ this
_____ day _____ 19 _____

CHARGE SHEET

_____ POLICE FORCE

To _____

YOU STAND CHARGED

That you did
and did thereby commit a _____ offence(s)
This is therefore to command you to appear before

_____ on _____ the _____ day of _____
19 _____ at _____ o'clock in the _____ noon
at _____
to answer the said charge(s).

Dated this _____ day of _____ 19 _____

Copy served on person charged the _____ day of
_____ 19 _____

* * * * *

STATEMENT OF ALLEGATION

_____ POLICE FORCE

to _____

ALLEGATION:

That you on _____ the _____ day of _____
19 _____ at _____ o'clock in the _____
noon at _____

Dated this _____ day of _____ 19 _____

Copy served on person charged the _____ day of
_____ 19 _____
