

THE BLOOD TRIBE

BYLAW NO. 01-2008

BLOOD TRIBE POLICE BYLAW

Being a Bylaw of the Blood Tribe for the
observance of law and order within
the Blood Indian Reserve
pursuant to Section 81 of the *Indian Act*

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WHEREAS the Blood Tribe Council passed the *Blood Tribal Police Bylaw* pursuant to subsections 81(b), (d), (e), (n) and (p) of the *Indian Act*, RSC 1970, c. I-6, on April 18, 1980;

AND WHEREAS the Blood Tribe Council amended the *Blood Tribal Police Bylaw* pursuant to its provisions and passed the *Blood Tribe Police Amendment Bylaw* on June 6, 1994;

AND WHEREAS the Blood Tribe has, since 1994, entered into policing agreements with the Solicitor General of Canada and the Solicitor General of Alberta respecting policing services on the Blood Indian Reserve;

AND WHEREAS the Blood Tribe Council has determined that the *Blood Tribal Police Bylaw* and the *Blood Tribe Police Amendment Bylaw* (the "Bylaws") requires updating and revision;

AND WHEREAS the Blood Tribe Council has deemed it expedient to consolidate all matters contained in the Bylaws, including any updates and revisions, into one bylaw;

AND WHEREAS it is deemed necessary to continue to provide for the observance of law and order on the Blood Indian Reserve through the provision of adequate, effective, professional and culturally appropriate policing services within the Blood Indian Reserve consistent with the needs of the Blood Tribe;

AND WHEREAS the Blood Tribe Council is empowered to make a bylaw pursuant to subsections 81(1)(c), (q) and (r) of the *Indian Act*, RSC 1985, c. I-5 to provide for the observance of law and order on the Blood Indian Reserve, respecting any matter arising out of or ancillary to the exercise of powers under section 81, and for the imposition of a penalty for a violation thereof;

NOW THEREFORE the Blood Tribe Council, without prejudice to but in express affirmation of its inherent right of self-government and its authority pursuant to Treaty 7 to provide for the maintenance of peace, order and security for members of the Blood Tribe and the general public on the Blood Indian Reserve, hereby enacts the following bylaw:

PART 1 - GENERAL

Short Title

1.1 This bylaw may be cited as the *Police Bylaw*.

Interpretation

1.2 In this bylaw unless the context otherwise requires:

“Agreement” means the Blood Tribe Service Agreement entered into among the Blood Tribe, Her Majesty the Queen in Right of Canada (as represented by the Solicitor General of Canada; referred to as “Canada”) and Her Majesty the Queen in Right of Alberta (as represented by the Solicitor General of Alberta; referred to as “Alberta”) which provides for policing services on the Blood Indian Reserve, the roles, responsibilities and relationships among the Blood Tribe, Canada and Alberta in the provision and maintenance of the Police Service, and funding for the Police Commission and the Police Service, or any successor agreement substantially providing for these matters.

“Appeals Committee” means an independent, non-police, quasi-judicial body established under this Bylaw which hears appeals in relation to complaints against the Police Service.

“Blood Indian Reserve” means the Blood Indian Reserve Nos. 148 and 148A, and any future additions to the reserve lands of the Blood Tribe.

“Blood Tribe” means the Blood Indian Band, which is a band as defined by the *Indian Act*, RSC 1985, c. I-5.

“Chairperson” means the chairperson of the Police Commission.

“Chief of Police” means the Chief of Police of the Police Service, who is a Police Officer.

“Civilian Staff” means a person who provides support services to the Police Commission and Police Service and is an employee of the Police Commission and not an employee of the Blood Tribe or the Council.

“Council” means the Chief and Councillors of the Blood Tribe duly elected from time to time in accordance with the *Kainaiwa/Blood Tribe Election Bylaw and Regulations, 1995*, as amended from time to time.

“Law Enforcement Review Board” means an independent, non-police, quasi-judicial body established under the *Police Act* which hears appeals in relation to complaints against a Police Officer, including the Chief of Police.

“Police Act” means Alberta legislation cited as the *Police Act*, RSA 2000, c. P-17.

“Police Commission” means the Blood Tribe Police Commission established and appointed under this Bylaw to govern the Police Service.

“Police Officer” means a sworn member of the Police Service.

“Police Service” means the Blood Tribe Police Service established and constituted under this Bylaw.

“Security Check” means a check of the person on the Canadian Police Information Centre (CPIC) and other police data bases.

PART 2 - ADMINISTRATION

- 2.1 The Blood Tribe has full policing authority within the Blood Indian Reserve and is responsible for ensuring that adequate, effective, professional and culturally appropriate policing services are provided within the Blood Indian Reserve which is consistent with the needs of the Blood Tribe.
- 2.2 The Blood Tribe’s authority for policing within the Blood Indian Reserve is exercised through the Police Commission which governs the Police Service.
- 2.3 The Council shall maintain the Police Commission pursuant to this Bylaw.

PART 3 - POLICE COMMISSION

Establishment

- 3.1 There is hereby established and constituted the Police Commission.

Not a Body Corporate

- 3.2 Notwithstanding that the Police Commission shall be responsible for the terms of employment of the Chief of Police, and any other members of the Police Service, the Police Commission shall not be a body corporate nor shall any member of the Police Commission be personally liable or responsible for monies payable or alleged to be payable by reason of any employment, act or neglect of any of the aforesaid members.

Appointment

- 3.3 The Council shall appoint the members of the Police Commission through a process established by Council which shall take into account the qualifications required of Police Commission members, and the good character, credibility and reputation of such members within the Blood Tribe community.

Oath of Office

- 3.4 Each member of the Police Commission appointed under this part shall, before commencing his or her duties, take the Oath of Office set out in Schedule 1 to

this Bylaw, and may participate in a Blood Tribe ceremony confirming the responsibility of the office of Police Commissioner to the Blood Tribe.

Revocation of Appointment

- 3.5 The appointment of a member of the Police Commission may be revoked, upon the request of the Police Commission, by majority vote of Council for cause which includes:
- (a) being absent from three (3) consecutive meetings of the Police Commission unless the absence is authorized by the Police Commission or by resolution of the Police Commission;
 - (b) discloses Police Commission business without the prior consent of the Chairperson or by resolution of the Police Commission;
 - (c) acts in a manner that is detrimental to the operation of the Police Commission or demonstrates unethical behaviour; or
 - (d) is no longer eligible to be a member of the Police Commission.

Composition of Police Commission

- 3.6 The Police Commission shall consist of a minimum of three (3) members and a maximum of seven (7) members representing the Blood Tribe community.
- 3.7 Where there are three (3) members, there shall not be any Council members.
- 3.8 Where there are five (5) members, there shall be a minimum of four (4) members who are not Council members and a maximum of one (1) Council member.
- 3.9 Where there are seven (7) members, there shall be a minimum of five (5) members who are not Council members and a maximum of two (2) Council members.

Term of Office

- 3.10 Police Commission members shall serve for a term of three (3) years and shall be eligible for re-appointment provided they meet the qualifications set out in this Bylaw.
- 3.11 For greater certainty, the appointment of a Police Commission member who is a Council member shall terminate upon that person ceasing to be a member of the Council.

Qualifications

- 3.12 Police Commission members shall:

- (a) have a fundamental knowledge of and possess an interest in policing matters;
- (b) have obtained a Security Check; and
- (c) not have a criminal record relating to an indictable offence in Canada or a felony in the United States.

Vacancies

3.13 Where the position of any Police Commission member becomes vacant, the Council may appoint a person to the vacated position upon such terms and conditions as Council deems advisable to serve for the remainder of the term of the vacated position.

Resignation

3.14 Any member of the Police Commission may resign by sending written notice of resignation to the Police Commission and the date of resignation shall be the date the letter of resignation is received.

Arm's Length Relationship

3.15 The Police Commission shall operate at arm's length from Council.

Non-Interference

- 3.16 The Police Commission, either as a body or members acting individually, shall not:
- (a) interfere in individual cases in the investigation or prosecutorial process; or
 - (b) attempt to influence or interfere with the responsibilities of the Chief of Police or employees of the Police Service with respect to specific day to day operations of the Police Service.

Reporting to Council

3.17 The Police Commission shall provide a written report annually to Council on the general operations of the Police Service.

Officers

3.18 The members of the Police Commission shall elect from among themselves a Chairperson, vice-chairperson and such other officers as they consider necessary.

- 3.19 The Chairperson shall not be a Council member and in the event the Chairperson becomes elected to Council, he or she shall be deemed to have automatically resigned from his or her office as Chairperson and the members of the Police Commission shall elect from among themselves another person to act as Chairperson.

Meetings and Records

- 3.20 A majority of the Police Commission present at a duly convened meeting may exercise any and all powers of the Police Commission.
- 3.21 Each member of the Police Commission may discharge the duties, and has all the rights and powers of a member, of the Police Commission, including a vote on all resolutions.
- 3.22 The Chairperson shall act as chairperson at all meetings of the Police Commission and in the event of the Chairperson's absence or inability to act at a meeting, the vice-chairperson shall act as chairperson at any such meeting.
- 3.23 The Chairperson has a vote in all resolutions and in the event of a tied vote, shall cast the deciding vote.
- 3.24 Any document, direction or decision of the Police Commission shall be presumed to be *prima facie* authentic if certified a true copy by the Chairperson or vice-chairperson.
- 3.25 The Police Commission shall keep a record or minute book of all of its meetings and all proceedings conducted before the Police Commission or any member thereof, and shall ensure that all orders and recommendations made by the Police Commission are properly authenticated and filed.

Responsibilities

- 3.26 The Police Commission has full responsibility to govern the Police Service and for providing and implementing, through the Chief of Police, planning, direction and policy for the Police Service.
- 3.27 The Police Commission shall be responsible for establishing and enforcing policies governing its own operations.
- 3.28 The Police Commission shall be responsible to develop and maintain an administrative manual describing the policies and procedures governing the management and operations of the Police Service, including, but not limited to, policies and procedures for the following:
- (a) the appointment, employment, qualifications, training, duties, discipline and performance of duty of Police Officers;

- (b) prescribing the colour and style of uniforms, accoutrements and insignia for Police Officers;
- (c) the clothing and equipment furnished to or used by Police Officers;
- (d) the possession, use and reporting of use of firearms by Police Officers;
- (e) the hiring and employment of Civilian Staff;
- (f) the providing of and releasing of information concerning Police Service policies;
- (g) prescribing the information and statistical data to be kept and reported by the Police Service; and
- (h) mechanisms required for the impartial and independent review of those matters set out in subsection 3.29(j) of this Bylaw.

3.29 The Police Commission shall be responsible:

- (a) to ensure that the administrative manual is consistent with the principles of the Law Enforcement Review Board, pursuant to the *Police Act*;
- (b) to ensure accountability of itself and the Police Service to the Blood Tribe community that it serves;
- (c) to establish a central information, research, assessment and statistics service and to operate and utilize same in cooperation with police services in surrounding communities, the Council and the Police Service;
- (d) to approve objectives, priorities and budgets of the Police Service;
- (e) to manage the Police Service budget;
- (f) to ensure that Police Officers are paid an average salary and benefits comparable to that of other Alberta police services of similar resource levels;
- (g) to ensure that Police Officers have the necessary training to enforce the laws of the Blood Tribe, Canada and Alberta;
- (h) to cause any inquiry or investigation to be conducted into any matter respecting the Police Service;
- (i) to conduct investigations or direct the investigations of complaints against the Chief of Police or the Police Service;

- (j) to provide mechanisms necessary for the impartial and independent review of complaints, improper exercise of police powers, violations of codes of conduct, and mechanisms for grievance and redress on matters related to discipline and dismissal;
- (k) to ensure that its duties and responsibilities under the Agreement are carried out;
- (l) to operate within its budget as provided for in the Agreement and to keep its budget separate from the Police Service budget;
- (m) to hire and employ the Chief of Police;
- (n) to hire and employ Civilian Staff to provide support services to the Police Commission;
- (o) to recommend to the Chief of Police individuals for service as Police Officers;
- (p) to maintain standards of performance for the Chief of Police and an evaluation procedure for that performance;
- (q) to make recommendations to Council with respect to amendments to this Bylaw and to any other Blood Tribe enactments dealing with law enforcement; and
- (r) to establish advisory committees to advise the Police Commission on matters concerns Blood Tribe culture, youth, intergovernmental relations, financial management and any other matter related to policing, and to appoint Blood Tribe members and non-Blood Tribe members to these committees as required.

Hearings

- 3.30 The Police Commission may hold such meetings as it considers necessary and may, in the course of its investigations, conduct public meetings to inquire into the administration, operation, discipline or requirements of the Police Service or the Chief of Police.
- 3.31 The Police Commission may direct that the whole or any portion of a hearing, investigation or inquiry under this Bylaw be held in camera where such hearing, investigation or inquiry could affect an ongoing Police Service investigation or disclose confidential information.
- 3.32 The Police Commission, and each member thereof, shall establish and maintain impartiality with respect to all policing matters. All matters brought to the Police

Commission in relation to policing must be given courteous and careful consideration.

PART 4 - POLICE SERVICE

Establishment

- 4.1 There is hereby established and constituted the Police Service which shall consist of Police Officers, including the Chief of Police.
- 4.2 The requisite number of Police Officers and number of allowable vacancies may be provided for in the Agreement and where so provided, the Police Commission shall ensure those requirements are met.

Appointment

- 4.3 All Police Officers, including the Chief of Police, shall be appointed by the Police Commission.

Oath of Office

- 4.4 Each Police Officer appointed under this Part shall, before commencing his or her duties, take the Oath of Allegiance and Office set out in Schedule 2 to this Bylaw, and may participate in a Blood Tribe ceremony confirming the responsibility of Police Officers to the Blood Tribe.

Authorities, Responsibilities and Duties

- 4.5 Every Police Officer is a peace officer and has the authority, responsibility and duty to:
 - (a) uphold the responsibility of the Blood Tribe confirmed by Treaty 7 to provide for the maintenance of peace, order and security for members of the Blood Tribe and the general public on the Blood Indian Reserve;
 - (b) perform the duties of peace officers throughout the Blood Indian Reserve;
 - (c) preserve the peace, protect life and property, prevent crime and enforce the laws of the Blood Tribe, Canada and Alberta, and apprehend those who may be lawfully taken into custody;
 - (d) provide residents of the Blood Indian Reserve with a sense of security and safety from crime;
 - (e) provide assistance to victims of crime;
 - (f) execute all warrants and perform all related duties and services;

- (g) provide such other policing services as may be required under the terms and conditions of the Agreement; and
- (h) perform such other duties as are prescribed by the Police Commission.

Conduct

4.6 Every Police Officer shall act in accordance with the Code of Ethics and Conduct provided in Schedule 4 to this Bylaw.

Qualifications

4.7 Every Police Officer shall:

- (a) at a minimum, have completed Alberta grade twelve (12) requirements or the equivalent in another jurisdiction;
- (b) have the ability to read and write English to the degree necessary to successfully carry out his or her duties, and a degree of maturity commensurate with his or her position;
- (c) possess a valid certificate of completion from a recognized police training academy, attesting to the successful completion of a recruit training program;
- (d) receive such other training as the Police Commission may require and in any event, will receive a level of training that is at least equivalent to that of other police officers in Alberta;
- (e) meet such other standards as may be required from time to time by the Police Commission.

4.8 It is preferable that a Police Officer speak and/or understand the Blackfoot language and customs and culture of the Blood Tribe sufficiently so as to enable him or her to effectively carry out his or her duties.

Dismissal

4.9 A Police Officer may be dismissed:

- (a) by the Chief of Police for disciplinary reasons pursuant to this Bylaw and the disciplinary procedures established by the Police Commission; or
- (b) by the Police Commission for:
 - (1) cause; or

- (2) any other reason on proper notice being given.

Law Enforcement Review Board

- 4.10 Police Officers are subject to oversight of the Law Enforcement Review Board with aboriginal representation.

PART 5 - CHIEF OF POLICE

Appointment

- 5.1 The Chief of Police shall be appointed by the Police Commission.

Responsibilities

- 5.2 The Chief of Police shall be responsible:
- (a) to maintain and provide adequate, effective, professional and culturally appropriate policing services within the Blood Indian Reserve consistent with the needs of the Blood Tribe;
 - (b) to develop, direct and manage all aspects of the administrative and operational activities of the Police Service;
 - (c) to ensure that the Police Service performs the functions assigned to it pursuant to this Bylaw and the Agreement;
 - (d) to hire Police Officers on behalf of the Blood Tribe;
 - (e) to oversee the deployment of Police Officers to provide policing services on the Blood Indian Reserve;
 - (f) to hire and supervise Civilian Staff who provide support services to the Police Service; and
 - (g) to develop policies respecting the conduct of Civilian Staff.

PART 6 - COMPLAINT AND APPEAL PROCESS

Complaints Procedure

- 6.1 Complaints respecting the Police Service, Chief of Police or a Police Officer shall be submitted to the Complaints Monitor.
- 6.2 Complaints shall be in writing, setting out the reasons for the complaint, and signed by the complainant. If the complaint is made verbally, the Complaints Monitor shall cause the complaint to be recorded in writing, reviewed by the complainant and signed by the complainant.

Complaints against Police Service or Chief of Police

- 6.3 The Complaints Monitor shall cause each complaint against the Police Service or Chief of Police to be forwarded to the Chairperson.
- 6.4 The Chairperson shall cause each complaint to be investigated.
- 6.5 Where the Police Commission deems it appropriate, it may attempt to resolve the matter informally with the consent of the complainant and the Chief of Police.
- 6.6 The complainant shall be notified, in writing, every forty-five (45) days as to the progress of his or her complaint.
- 6.7 The Chief of Police shall, when requested, supply the Police Commission with all statements and correspondence sent and received with respect to the complaint.
- 6.8 The Police Commission may, in relation to an investigation of the Chief of Police, pending completion of the investigation:
 - (a) relieve the Chief of Police of his or her duties and reassign him or her to other duties;
 - (b) relieve him or her from duty with pay; or
 - (c) relieve him or her from duty without pay.
- 6.9 In relation to an investigation concerning the Chief of Police, he or she shall have the right to:
 - (a) hear the complaint being made against himself or herself; and
 - (b) have an opportunity to make an answer to the complaint.
- 6.10 The Police Commission may initiate an investigation of the Chief of Police where it has a reasonable belief that the Chief of Police has breached his or her duties.
- 6.11 After an investigation is complete, the Chairperson shall inform the complainant and the Chief of Police in writing as to the disposition of the complaint.
- 6.12 In all cases where all or any portion of a complaint against the Police Service has been found not to be justified, the Chairperson shall inform the complainant of the right to appeal the finding to the Appeals Committee.
- 6.13 In all cases where all or any portion of a complaint against the Chief of Police has been found not to be justified, the Chairperson shall inform the complainant of the right to appeal the finding to the Law Enforcement Review Board.

- 6.14 Where the investigation concerns the Chief of Police, the Chairperson shall inform the Chief of Police as to whether any breach of duty was found to have occurred, and if so, the disciplinary action to be taken.
- 6.15 In all cases where the Police Commission finds that there has been a breach of duty on the part of the Chief of Police, the Chairperson shall inform the Chief of Police of the right to appeal the finding to the Law Enforcement Review Board.
- 6.16 When the Police Commission is of the opinion that the conduct of the Chief of Police giving rise to the investigation may constitute an offence under a law of the Blood Tribe, Canada or Alberta, it shall forthwith inform the Minister of Justice and Attorney General of Alberta.
- 6.17 The Police Commission may make arrangements for a senior officer of another police service to carry out an investigation concerning the Chief of Police.

Complaints against Police Officer

- 6.18 The Complaints Monitor shall cause each complaint against a Police Officer, other than the Chief of Police, to be forwarded to the Chief of Police.
- 6.19 The Chief of Police shall cause each complaint to be investigated.
- 6.20 The Chief of Police may initiate an investigation of a Police Officer where he or she has a reasonable belief that the Police Officer has breached his or her duties.
- 6.21 Where the Chief of Police deems it appropriate, he or she may attempt to resolve the matter informally with the consent of the complainant and the Police Officer involved.
- 6.22 The complainant shall be notified, in writing, every forty-five (45) days as to the progress of his or her complaint.
- 6.23 The Chief of Police may, pending completion of the investigation:
 - (a) reassign the Police Officer to other duties;
 - (b) relieve the Police Officer from duty with pay; or
 - (c) relieve the Police Officer from duty without pay subject to confirmation of the Police Commission within thirty (30) days.
- 6.24 In relation to an investigation concerning a Police Officer, he or she shall have the right to:
 - (a) hear the complaint being made against himself or herself; and
 - (b) have an opportunity to make an answer to the complaint.

- 6.25 After an investigation is complete, the Chief of Police shall inform the complainant and the Police Officer in writing as to the disposition of the complaint.
- 6.26 The Chief of Police shall inform the Police Officer as to whether any breach of duty was found to have occurred, and if so, the disciplinary action to be taken.
- 6.27 In all cases where all or any portion of a complaint has been found not to be justified, the Chief of Police shall inform the complainant of the right to appeal the finding to the Law Enforcement Review Board.
- 6.28 In all cases where the Chief of Police finds that there has been a breach of duty on the part of the Police Officer, the Chief of Police shall inform the Police Officer of the right to appeal the finding to the Law Enforcement Review Board.
- 6.29 When the Chief of Police is of the opinion that the conduct of the Police Officer giving rise to the investigation may constitute an offence under a law of the Blood Tribe, Canada or Alberta, he or she shall forthwith inform the Minister of Justice and Attorney General of Alberta.

Limitation

- 6.30 Complaints must be filed within one (1) year of the events upon which the complaint is based.

PART 7 - DISCIPLINE

- 7.1 Where the Police Commission finds that the Chief of Police breached his or her duties, the Police Commission shall impose such disciplinary measures it considers appropriate, including:
 - (a) verbal or written warning;
 - (b) suspension with or without pay;
 - (c) demotion in rank; or
 - (d) dismissal.
- 7.2 Where the Chief of Police finds that a Police Officer breached his or her duties, the Chief of Police shall impose such disciplinary measures he or she considers appropriate, including:
 - (a) verbal or written warning;
 - (b) reassignment of duties;
 - (c) suspension with or without pay;

- (d) demotion in rank; or
- (e) dismissal.

7.3 Notwithstanding sections 7.1 and 7.2, where the Police Commission deems it appropriate, it may adopt and apply, in part or total, the disciplinary procedures provided for in the *Police Act* and its regulations, *mutatis mutandis*, to Police Officers.

PART 8 - COMPLAINTS MONITOR

8.1 The Police Commission shall designate a person as a Complaints Monitor.

8.2 The Complaints Monitor may be:

- (a) an employee of the Police Commission;
- (b) an employee of the Blood Tribe; or
- (c) a Blood Tribe member, other than a member of Council, who in the opinion of the Police Commission is qualified to serve in that capacity.

8.3 The Complaints Monitor shall:

- (a) receive complaints against the Police Service or Chief of Police and forward them to the Chairperson;
- (b) receive complaints against Police Officers, except the Chief of Police, and refer them to the Chief of Police;
- (c) provide liaison between the Police Commission and the Chief of Police; and
- (d) perform the duties assigned by the Police Commission in regard to complaints.

PART 9 - APPEALS COMMITTEE

9.1 The Council shall appoint the Appeals Committee consisting of three (3) members from a list provided by the Police Commission of persons knowledgeable about policing and the Blood Tribe.

9.2 The term of such appointments shall be two (2) years.

9.3 Such members shall be neither members of Council or the Police Commission.

9.4 The Appeals Committee shall only hear appeals respecting complaints against the Police Service.

- 9.5 The members of the Appeals Committee shall select from among themselves a chairperson.
- 9.6 All persons appointed to the Appeals Committee shall, before commencing his or her duties, take the Oath of Office provided in Schedule 3 to this Bylaw and may participate in a Blood Tribe ceremony confirming the responsibility of the Office to the Blood Tribe.
- 9.7 A complainant may, within thirty (30) days of being advised by the Police Commission of a finding that all or any portion of his or her complaint respecting the Police Service was not justified, appeal to the Appeals Committee by filing therewith a notice of appeal setting forth the grounds upon which the appeal is based.
- 9.8 The chairperson of the Appeals Committee may, before or after the expiration of the time for service of a notice of appeal, extend the time of service for a further period not exceeding thirty (30) days.
- 9.9 The complainant shall be entitled:
- (a) to attend at any hearings of the appeal;
 - (b) to be represented by another person;
 - (c) to make representations to the Appeals Committee.
- 9.10 The Chief of Police and the Chairperson shall, when requested to do so, supply the Appeals Committee with all investigation reports, statements and correspondence sent and received with respect to an investigation.
- 9.11 In determining an appeal under this Part, the Appeals Committee may make its decision based on the record without a hearing with agreement of the parties or conduct a hearing which may be closed or public.
- 9.12 In determining an appeal under this part, the Appeals Committee may, providing reasons therefor:
- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) refer the matter back to the Police Commission; or
 - (d) impose punishment in accordance with this Bylaw.
- 9.13 The Appeals Committee shall inform in writing the following persons of its decision:
- (a) the complainant who filed the notice of appeal; and

(b) the Police Commission.

9.14 An appeal of the decision of the Appeals Committee may be made to the Federal Court of Canada solely on issues of jurisdiction and natural justice.

PART 10 - GENERAL

- 10.1 No member of the Police Commission or the Appeals Committee shall be held personally or individually responsible for or bear or incur any liability for any action, omission, oversight, negligence or failure to act whatsoever however arising out of or connected with the performance or failure of performance of any duty or requirement under this Bylaw where such actions are taken in good faith and without malice.
- 10.2 The Police Commission, in consultation with the Chief of Police, shall prepare an annual budget for the operation of the Police Service and present the budget to Council together with such information necessary to enable Council to assess the operating and financial requirements of the Police Service, such budget shall be consistent with any requirements in the Agreement.
- 10.3 The Council shall take such measures as necessary to cause the Police Service budget as recommended by the Police Commission to be met including all operation expenses and capital requirements of the Police Service but shall have no direct or indirect involvement in direction of the activities of the Police Service.
- 10.4 The Police Commission is solely responsible for allocating the funds as acquired by Council for the Police Service, whether such funds are pursuant to the Agreement or other avenues.
- 10.5 The Council may, on the recommendation of the Police Commission, enter into any arrangements or agreements with any government of any province or Government of Canada respecting policing and law enforcement matters which concern the Blood Indian Reserve.
- 10.6 The Police Commission shall appoint and direct such civilian officials, clerks and employees as are necessary for carrying out the functions and duties of the Police Commission.
- 10.7 All notices, applications and inquires made to the Council, Police Commission, Appeals Committee or Chief of Police shall be directed to the addresses as may be from time to time of the above mentioned institutions and parties.
- 10.8 Words importing the singular number shall be considered as reflecting the plural where applicable and words importing the masculine gender shall reflect the feminine and neuter where applicable.

- 10.9 The division of this Bylaw into sections and the insertion in this Bylaw of headings are for convenience of reference only and shall not affect the construction or interpretation of this Bylaw.

PART 11 - REGULATIONS

- 11.1 The Council, by Band Council Resolution, may make regulations for the proper administration of this Bylaw.

PART 12 - PENALTIES

- 12.1 Any person who contravenes any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both a fine and imprisonment.

PART 13 - REPEAL

- 13.1 The *Blood Tribal Police Bylaw* and the *Blood Tribe Police Amendment Bylaw* are hereby repealed.

PART 14 - COMING INTO FORCE

14.1 This bylaw comes into force forty (40) days after the date of mailing to the Minister of Indian Affairs and Northern Development as required pursuant to section 82 of the *Indian Act*.

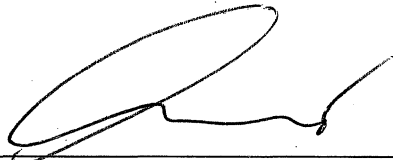
READ FOR A FIRST TIME by Council this 3rd day of March, 2008 at 2:10 p.m.

READ FOR A SECOND TIME by Council this 4TH day of MARCH, 2008 at 3:45 pm

READ FOR A THIRD TIME by Council this 4TH day of MARCH, 2008 at 3:50 pm


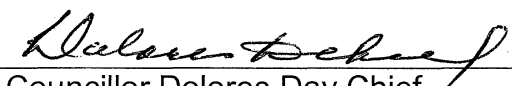
THIS BYLAW IS HEREBY made at a duly convened meeting of the Blood Tribe Council this 4TH day of MARCH, 2008.

Blood Tribe Council:



Chief Charles Weasel Head


Councillor Randy Bottle


Councillor Nina M. Buckskin
Councillor Dolores Day Chief
Councillor Rod First Rider

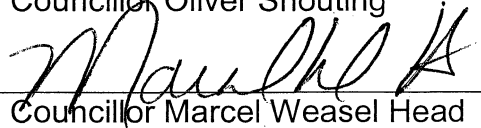
Councillor Lambert Fox

Councillor Harley Frank

Councillor Alex Goodstriker


Councillor Leslie Healy

Councillor Kirby Many Fingers


Councillor Oliver Shouting
Councillor Clement Soop
Councillor Marcel Weasel Head

being the majority of those members of the Blood Tribe Council present at the aforesaid meeting of the Council.

The quorum of the Blood Tribe Council is seven (7) members.

Number of members of the Blood Tribe Council present at the meeting is 8.

I, Charles Weasel Head, Chief of the Blood Tribe, do hereby certify that a true copy of the foregoing bylaw was **mailed** to the Minister of Indian Affairs and Northern Development at the head office of the department pursuant to subsection 82(1) of the *Indian Act*, this 4TH day of MARCH, 2008.

Annabel Gray Ered Wolf
Witness


Chief Charles Weasel Head

SCHEDULE 3

Oath of Office

Appeal Committee Members

I, _____, swear that I will diligently, faithfully and to the best of my ability execute according to law the office of a member of the Blood Tribe Police Appeals Committee and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before me as a member of the Blood Tribe Police Appeals Committee, so help me God.

SWORN BEFORE ME at the _____ of _____)
_____, in the Province of Alberta, this _____)
day of month, year. _____)
_____)
_____)

A Commissioner for Oaths in and for
the Province of Alberta

SCHEDULE 4

Code of Ethics and Conduct

1.0 A Police Officer shall perform his duties as a member of the Police Service with integrity, diligence and in accordance with his oath of office.

2.0 A Police Officer shall not engage in any action that constitutes one or more of the following:

2.1 breach of confidence, which is defined as:

2.1.1 divulging any matter that is the Police Officer's duty to keep in confidence;

2.1.2 giving notice, directly or indirectly, to any person against whom a warrant has been issued, except in the lawful execution of the warrant or service of the summons;

2.1.3 communicating to the news media or any unauthorized person any matter connected with the Police Service without proper authorization from a superior Police Officer or in contravention with the rules of the Police Service;

2.1.4 showing to any person who is not a member of the Police Service any record that is the property of or in the custody of the Police Service without proper authorization from a superior Police Officer or in contravention with the rules of the Police Service;

2.2 consumption or use of alcohol or drugs in a manner that is prejudicial to duty, which is defined as:

2.2.1 consuming alcohol while on duty unless otherwise authorized to do so by a superior Police Officer;

2.2.2 consuming or otherwise using drugs that are prohibited by law from being in a person's possession;

2.2.3 reporting for duty, being on duty or standing by for duty while unfit to do so by reason of the use of alcohol or drugs;

2.3 corrupt practise, which is defined as:

2.3.1 failing to account for or to make a prompt and true return of money or property that the Police Officer received in his capacity as a Police Officer;

2.3.2 directly or indirectly soliciting or receiving a payment, gift, or favour without the consent of the Chief of Police;

2.3.3 placing oneself under a financial, contractual or other obligation to a person in respect of whom the member could reasonably expect he may be required to report or give evidence;

2.4 deceit, which is defined as:

2.4.1 wilfully or negligently making or signing a false, misleading or inaccurate statement or entry in an official document or record;

2.4.2 wilfully or negligently making or signing a false, misleading or inaccurate statement pertaining to the Police Officer's duties;

2.4.3 without a lawful excuse,

2.4.3.1 destroying, mutilating or concealing an official document or record; or

2.4.3.2 altering or erasing an entry in an official document or record;

2.4.4 abetting in or knowingly being an accessory to contravention of this section by another Police Officer;

2.5 discreditable conduct, which is defined as:

2.5.1 contravening

2.5.1.1 an Act of the Parliament of Canada, or any regulation made thereunder,

2.5.1.2 an Act of the Legislative Assembly of Alberta, or any regulation made thereunder, or

2.5.1.3 a code, law, or bylaw duly made by the Blood Tribe or the Council

where the contravention is of such character that it would be prejudicial to discipline or likely to bring discredit on the reputation of the Police Service;

2.5.2 withholding or suppressing a complaint against or a report made in respect of a Police Officer or the Police Service;

2.5.3 using oppressive or tyrannical conduct towards a subordinate;

2.5.4 wilfully making a false complaint or statement against any member of a Police Service;

2.5.5 using profane, abusive, or insulting language to any member of the Police Service or to any member of the general public;

2.5.6 differentially applying the law or exercising authority on the basis of race, colour, religion, sex, physical disability, mental disability, marital status, age, ancestry or place of origin other than in accordance with an affirmative action program approved by the Police Commission or the Chief of Police;

2.5.7 seeking notoriety, directly or indirectly, in the news media;

2.5.8 doing anything prejudicial to discipline or likely to bring discredit on the reputation of the Police Service;

2.6 improper use of firearms, including:

2.6.1 when on duty, having in one's possession any firearm other than the one that is issued to the member by the Police Service;

2.6.2 when on duty, other than when on a firearm training exercise, discharging a firearm, whether intentionally or by accident, and not reporting the discharge of the firearm as soon as practicable to one's superior officer;

2.6.3 failing to exercise sound judgement and restraint in respect of the use and care of a firearm;

2.6.4 showing or pointing a firearm without justification;

2.6.5 loaning or giving up a service firearm to an unauthorized person;

2.6.6 not taking reasonable measures to prevent loss, theft, or use by a third party of one's firearm;

2.6.7 displaying one's firearm to the public by wearing it when not dressed in uniform; this does not include plainclothes investigators of the Police Service criminal investigation unit or any Police Officers who assist such investigators during the course of their duties;

2.7 insubordination, which is defined as:

2.7.1 being insubordinate to a superior Police Officer by word or action;

2.7.2 omitting or neglecting, without adequate reason, to carry out a lawful order, directive, rule or policy of the Police Commission, Chief of Police, or other person who has the authority to issue or make that order, directive, rule or policy;

2.8 neglect of duty, which is defined as:

2.8.1 neglecting without lawful excuse to promptly and diligently perform the member's duties of a Police Officer;

2.8.2 failing to work in accordance with orders or leaving an area, detail, or other place of duty without due permission or sufficient cause;

2.8.3 permitting a prisoner to escape on account of carelessness or negligence;

2.8.4 failing, when knowing where an offender is to be found, to report him or to make reasonable efforts to bring him to justice;

2.8.5 failing to report a matter that is one's duty to report;

2.8.6 failing to report anything one knows concerning a criminal or other charge;

2.8.7 failing to disclose any evidence that a Police Officer, or any other person to his knowledge, can give for or against any prisoner or defendant;

2.9 unlawful or unnecessary exercise of authority, which is defined as:

2.9.1 exercising one's authority as a Police Officer when it is unlawful or unnecessary to do so;

2.9.2 applying inappropriate or excessive force in circumstances where force is used.