

THE WABASEEMOONG INDEPENDENT NATIONS
"PEACE OFFICER AND BY-LAW OFFICER BY – LAW"
By-Law #02-2024

WHEREAS the Wabaseemoong Independent Nations Chief and Council are the duly elected government of the Wabaseemoong Independent Nations, and;

WHEREAS the Wabaseemoong Independent Nations Chief and Council are duly elected to ensure the peace, safety and well being of their community members within the former three (3) communities of One Man Lake, Swan Lake and Whitedog communities, and;

WHEREAS the Wabaseemoong Independent Nations Chief and Council have been directed by their voting membership via several Drug, Alcohol and Substance Abuse meetings such as the July 12, 2023 meeting and also signed petitions to implement their former Wabaseemoong Independent Nations community By-laws, develop and implement new By-laws including "THE WABASEEMOONG INDEPENDENT NATIONS "KIBICHITOOTAA MINIKWAYIN and MUCHI MISHKIKI IWAN INAKONIGAYWIN - 02/2024" that ensure the peace, safety and health of all their community members, and;

WHEREAS section 81 and 85.1 of the Indian Act empowers the Council of Wabaseemoong Independent Nations to pass by-laws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on Reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81 of the Indian Act; and

Be it resolved that the Council of Wabaseemoong Independent Nations have determined that it is desirable that community-based peace officer and by-law enforcement officer programs be established for all former, current and future Wabaseemoong Independent Nations By-Laws; and

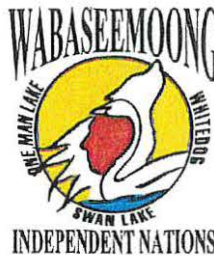
Be it further resolved that the Wabaseemoong Independent Nations Council do hereby give authorization to designate Greg Meeches - WIN Emergency Preparedness Special Projects Coordinator to appoint Peace Officers and By-Law Officers to implement and enforce their established By-Laws and any future By-Laws which may be requested by their voting members to be developed and which were passed by the majority via house to house notifications, by law summary documents, polling and ballot count between June 13th, 2024 and July 2nd, 2024 with the results being 267 in favor and 105 against this by law and passed with a majority of 71.3 percent in favor.

Be it finally resolved that the Council of Wabaseemoong Independent Nations enacts this "Peace Officer and By-Law Officer Enforcement By-Law" as follows:

INTERPRETATION

1.0 Title

1.1 This By-Law may be cited as the "Wabaseemoong Independent Nations Peace Officer and By-Law Officer By-Law".



Definitions

In this By-Law, except where otherwise defined:

2.1 "Allied Agencies" means all those agencies in which the Peace Officer and By-Law Officer are required to work with or liaise with. They include but are not limited to Treaty Three Police officers, OPP police officers and RCMP police officers as defined by the Police Act and the Wabaseemoong Independent Nations Pandemic Teams, external organizations, internal WIN departments, WIN By-Law and Justice Committee and assigned WIN Task Forces;

2.2 "Assigned Supervisor" means the Wabaseemoong Independent Nations Special Projects and Emergency Worker, or other designate appointed by a quorum of the Wabaseemoong Independent Nations Chief and Council to control the actions of the By-Law Enforcement Officers and Peace Officers;

2.3 "By-Law" means a by-law passed by the Council of Wabaseemoong Independent Nations under the authority of the Indian Act;

2.4 "By-Law Enforcement Officer" means any Peace Officer or By-Law Officer appointed as such by Wabaseemoong Independent Nations Chief, Council Portfolio or designate;

2.5 "WIN Council" means a quorum of three (3) Council members of Wabaseemoong Independent Nations;

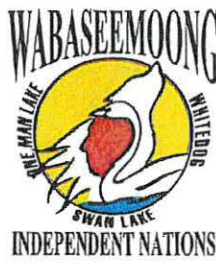
2.6 "Emergent Incident" means a situation where a Peace Officer is required to respond to a fire, explosion, dangerous goods, medical, assault (if safe to do so), rescue, other emergency event or search of vehicles suspected of transporting restricted amounts of alcohol, illegal drugs and/or toxic substances;

2.7 "Non-Emergent Incident" means a situation where a complaint has been registered, the Peace Officer or By-Law Officers have observed a by-law infraction within the Wabaseemoong Independent Nations, or a call is placed within the policy level of priority and not considered an emergency;

2.8 "Peace Officer" means a Wabaseemoong Independent Nations Community Peace Officer who may possess the same training and authority as a police officer appointed pursuant to the provisions of Section 81 of the Indian Act;

2.9 "By-Law Officer" means a Community By-Law Officer appointed for enforcement of the Wabaseemoong Independent Nations By-Laws pursuant to the provisions of Section 81 and 85.1 of the Indian Act;

2.10 "Property" means any real or personal property which, without limiting the generality of the foregoing, includes land and structure (house) in accordance to the Indian Act or Community Land Code under the First Nation Land Management Act if applicable;



2.11 "Reserve" means the lands set apart by Her Majesty the Queen in right of Canada for the use and benefit of the First Nation;

2.12 "Violation Ticket" means a Wabaseemoong Independent Nations Tribunal Court summons violation ticket as provided by a Wabaseemoong Independent Nations Peace Officer or By-Law Officer.

POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

Jurisdiction:

3.1 Peace Officers and By-Law Enforcement Officers are authorized to act in the area of service within the reserve lands of Wabaseemoong Independent Nations.

3.2 Peace Officers and By-Law Officers are authorized to act in that area of service presented by Wabaseemoong Independent Nations and authorized by the Wabaseemoong Independent Nations Peace Officer's formal appointment documents, which can be changed or amended by the Chief and Council of the Wabaseemoong Independent Nations.

3.3 By-Law Enforcement Officers and Peace Officers are to carry upon his/her person, at all times he/she is acting as a By-Law Enforcement Officer, evidence in writing of his/her appointment such as a Peace Officer or By-Law Officer identification card and bear the uniform of his position as a By-Law Enforcement Officer or Peace Officer representing Wabaseemoong Independent Nations.

By-Law Enforcement Officers shall have the following duties:

4.1 be responsible for the enforcement of all By-Laws of Wabaseemoong Independent Nations;

4.2 issue Violation Tickets for offences under Wabaseemoong Independent Nations By-Laws, in accordance with any established Wabaseemoong Independent Nations By-Laws;

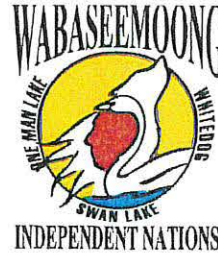
4.3 exercise all powers, duties, and functions of a designated officer to conduct any inspections, searches, remedies, or enforcement authorized or required by any and all Wabaseemoong Independent Nations By-Laws including new By-Law enactments. These powers may include seizure of excessive amounts of alcohol (as permitted by other by-laws), illegal drugs, other intoxicants and substances as outlined by any and all Wabaseemoong Independent Nations By-Laws.

4.4 Provide assistance to all police agencies including the Treaty Three Police, OPP and RCMP in enforcing all Statutes under the CRIMINAL CODE OF CANADA and all regulations thereunder;

4.5 respond to Emergent and Non-emergent incidents with the intent to protect lives and preserve Property;

4.6 conduct routine patrols of Wabaseemoong Independent Nations as required;

4.7 carry out community-based enforcement initiatives, and public engagement and education;



4.8 respond to incidents as requested by allied agencies, organizations and WIN departments pursuant to the authorities listed in their individual appointments;

4.9 issue Violation Tickets for offences under all existing and future Wabaseemoong Independent Nations By-Laws, Canadian Human Rights Act and the Indian Act:

4.10 act in accordance with and pursuant to the Wabaseemoong Independent Nations Public Security Peace Officer Program and Protective Services Standard Operating Wabaseemoong Independent Nations Procedure Manual for Peace Officers and By-Law Officers;

4.11 exercise all powers, duties, and functions of a designated Peace Officer and By-Law Officer to conduct any inspections, searches, seizures, remedies, or enforcement authorized or required by the Wabaseemoong Independent Nations By-Laws and the Criminal Code of Canada; and

4.12 appear in Wabaseemoong Tribunal Court, Provincial or Federal Court to provide evidence as required including as a witness as required.

5.0 Wabaseemoong Independent Nations By-Law Enforcement Officers and Peace Officers are to carry out the directions of the Wabaseemoong Independent Nations Council or their designate in accordance with the authorities listed in their individual appointment.

6.0 By-Law Enforcement Officers and Peace Officers are to follow the directions of the Emergency Preparedness/ Special Projects Coordinator or assigned supervisor and report to them as required in accordance with the organizational structures and reporting formats set forth by the Wabaseemoong Independent Nations.

7.0 Authorization to carry and use weapons:

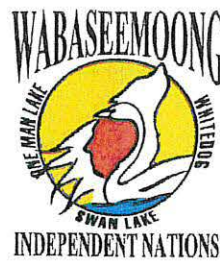
8.0 By-Law Enforcement Officers are not authorized to carry or use weapons except when necessary to dispose of severely injured or dangerous animals or pets.

9.0 Peace Officers are only authorized to carry and use permissible weapons if situation warrants the need and are authorized by local police to do so as specified by each Peace Officer's appointment and each individual Peace Officer must be trained in the safe use of any such weapon prior to any authorization to carry and use.

COMPLAINTS PROCESS FOR PEACE OFFICERS AND BY-LAW OFFICERS

10.0 A complaint against a Peace Officers and By-Law Officers must be in writing and received by the Wabaseemoong Independent Nations By-Law Justice Committee or WINBLJC.

11.0 The WINBLJC will, within 30 days and in writing, acknowledge receipt of the complaint to the complainant and notify the Peace Officer or By-Law Officer involved in the complaint, if appropriate.



12.0 The WINBLJC will submit details of such complaints to the WIN Chief and Council.

13.0 The WINBLJC will investigate the complaint.

14.0 The WINBLJC will notify the complainant, the Peace Officer or By-Law Officer and the Emergency Preparedness/ Special Projects Coordinator or other assigned supervisor involved as to the status of the investigation at least once every 45 days.

15.0 Upon conclusion of the investigation the employer will notify the complainant, the Peace Officer or By-Law Officer involved and their Emergency Preparedness/ Special Projects Coordinator or other assigned supervisor in writing of the disposition of the complaint and the reasons for the disposition.

16.0 The Emergency Preparedness/ Special Projects Coordinator or other assigned supervisor will notify the complainant and the Peace Officer or By-Law Officer involved of the complainant's right to have the employer's disposition of the complaint reviewed by the Wabaseemoong Independent Nations By-Law and Justice Committee.

17.0 The employer, WINBLJC may refuse to investigate or may discontinue the investigation of a complaint if, in the employer's opinion the complaint is frivolous, vexatious or made in bad faith, or having no regard to all of the circumstances, no investigation is necessary.

BY-LAW ENFORCEMENT OFFICER AND PEACE OFFICER CODE OF CONDUCT

18.0 A By-Law Enforcement Officer or Peace Officer shall comply with the terms and conditions of the Wabaseemoong Independent Nation's Personnel Policies and Procedures Manual;

19.0 A By-Law Enforcement Officer or Peace Officer shall comply to the terms of conditions of the By-Law Enforcement Officer's or Peace Officer's Job Description and Code of Conduct.

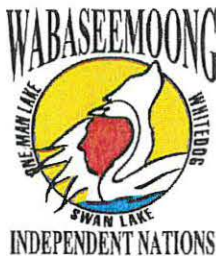
20.0 Wabaseemoong Independent Nations may conduct random drug tests to new employees and such tests may constitute grounds for discipline or termination in accordance with Canada Labour Laws.

21.0 A By-Law Enforcement Officer or Peace Officer shall comply with the Wabaseemoong Independent Nations code of conduct for By-Law Enforcement Officers and Peace Officers;

22.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from engaging in disorderly or inappropriate conduct, or acting in a way that would be harmful to the discipline of Wabaseemoong Independent Nations By-Law Enforcement Officers and Peace Officers or that is likely to discredit the office of the Wabaseemoong Independent Nations Bylaw Enforcement Officer or Peace officer program;

23.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from withholding or suppressing information, evidence, complaints or reports about other By-Law Enforcement Officer/ Peace Officer;

24.0 A By-Law Enforcement Officer or Peace Officer shall comply promptly and diligently perform the By-Law Enforcement Officers' or Peace Officers' duties and responsibilities;



25.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from making or signing false, misleading or inaccurate statements;

26.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited, without lawful excuse, from destroying, mutilating or concealing records or property, or altering or erasing an entry in a record;

27.0 A By-Law Enforcement Officer or Peace Officer shall respect when confidentiality must be maintained;

28.0 A By-Law Enforcement Officer or Peace Officer shall properly account for or return money or property that the By-Law Enforcement Officer or Peace Officer receives in his or her capacity as a By-Law Enforcement Officer or Peace Officer;

29.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from activities that may or will result in a conflict of interest or an apprehension of or a lack of integrity in the office of the By-Law Enforcement Officer or Peace Officer;

30.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from using the By-Law Enforcement Officer or Peace Officer's position for his or her own advantage or another person's advantage;

31.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from exercising the By-Law Enforcement Officer's or Peace Officer's authority for "excessive force" when it is unnecessary to do so;

32.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from consuming Alcohol, using Marijuana, or other substances that may affect judgement while on duty;

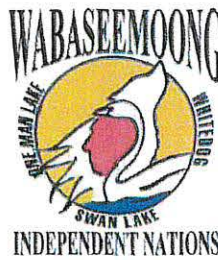
33.0 A By-Law Enforcement Officer or Peace Officer shall be prohibited from consuming controlled drugs and controlled substances under the Controlled Drugs and Substance Act (Canada);

34.0 A By-Law Enforcement Officer or Peace Officer shall, except in the performance of his or her duties, be prohibited from possessing controlled drugs and controlled substances, the possession of which is prohibited by law; and

35.0 A By-Law Enforcement Officer or Peace Officer must always act in the best public interest, meaning using all their powers responsibly, conducting themselves with honesty, integrity and transparency in order to address improper conduct without hypocrisy. The Officer must be respectful to all whom they interact with during the course of their duties and responsibilities.

GENERAL

36.0 If any Section or Sections of this By-Law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to



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GENERAL

36.0 If any Section or Sections of this By-Law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.

37.0 This By-Law shall come into force and effect upon the adoption by the Council and shall be published in the First Nations Gazette, pursuant to the requirements of Section 81 of the Indian Act..

38.0 *By signing this by-law # 02-2024 the Wabaseemoong Independent Nations Chief and Council fully respect and support the will of their voting members who have unanimously (71.3 %) voted in favour of this by-law which is designed and intended to ensure the health, safety and well being of all their members, including the children and future generations. (Ratification Vote results attached)*

39.0 APPROVED AND PASSED by the majority (71.3 %) of Wabaseemoong Independent Nations voting members via door-to-door consultations and ratification process on the Wabaseemoong Independent Nations on; July 2nd, 2024.

APPROVED AND PASSED at a duly convened meeting by Chief and Council at;

2400 Mystic Lake Blvd, Prior Lake, MN USA 55372

Date:

July 18/2024

Quorum: Three (3)

Chief Waylon Scott

[Signature]

Councillor Roland Fisher:

[Signature]

Councillor Roanna Carpenter-Jourdain:

[Signature]

Councillor Rocky Bunting:

Councillor Glen Kent:
