

POLICE SERVICES BY-LAW

**BY-LAW # 1 PASSED BY THE BAND COUNCIL OF
THE SUCKER CREEK BAND NO. 456**

PREAMBLE

WHEREAS the Sucker Creek Band No. 456 has since time immemorial maintained order in its society;

AND WHEREAS under the terms of Treaty 8 the Band promised to maintain peace and good order amongst its members and between its members and others;

AND WHEREAS the Band is responsible for the governance and administration of its Reserves and for the protection of the land and other tribal patrimony of the Band;

AND WHEREAS in the traditional spirit of cooperation between Bands and in recognition of the importance of the pursuit of mutually beneficial objectives, the Band is a member of the Lesser Slave Lake Indian Regional Council (the "Council");

AND WHEREAS the Band has consented to the Council acting for and on behalf of the Band;

AND WHEREAS the Council has resolved in a Resolution dated December 14, 1992 to establish a Regional Police Service to provide policing for the Reserves of the Band and of other Council Bands;

AND WHEREAS the Council will expend funds, acquire equipment and enter into commitments in order to provide the police service required by the Bands;

AND WHEREAS the Band is responsible for the observance of law and order on its Reserves;

NOW THEREFORE BE IT ENACTED THAT:

1. The Band Council authorizes the Lesser Slave Lake Indian Regional Council to provide police services on all the Reserves of the Band in accordance with the First Nations Police Services Regulations, which are attached as Schedule "A" to this By-law, and to establish for that purpose the Lesser Slave Lake Regional Police Service;
2. This By-law shall be known as the Sucker Creek Band No. 456 Police Services By-law and will take effect from the effective date of the Lesser Slave Lake Indian Regional Council First Nations Police Services Master Agreement.

THIS BY-LAW was passed at a duly convened Band Council Meeting of the Sucker Creek Band No. 456 held at SUCKER CREEK, Alberta, on the 10TH day of FEBRUARY, 1994.

CHIEF: Jim Basler

COUNCILLOR: Don Boyd

COUNCILLOR: Ed Miller

COUNCILLOR: Robert Wilkin

COUNCILLOR: Frank Miller

COUNCILLOR: [Signature]

COUNCILLOR: Marlene Wilkin

COUNCILLOR: _____

COUNCILLOR: _____

COUNCILLOR: _____

COUNCILLOR: _____

COUNCILLOR: _____

COUNCILLOR: _____

*LESSER SLAVE LAKE INDIAN
REGIONAL COUNCIL*

FIRST NATIONS

POLICE SERVICES REGULATIONS

* * * * *

ATTACHED TO AND ADOPTED AS SCHEDULE "A" TO THE
POLICE SERVICES BY-LAW OF THE SUCKER CREEK BAND
AND PASSED AT SUCKER CREEK, ALBERTA, THIS 10TH
DAY OF FEBRUARY, 1994.

* * * * *

(Effective February 1994)

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LESSER SLAVE LAKE INDIAN REGIONAL COUNCIL
FIRST NATIONS POLICE SERVICES REGULATIONS

(Description)

REGULATIONS governing the provisions of police services on the Indian Reserves of certain Bands which are members of the Lesser Slave Lake Indian Regional Council, which are identified hereunder by Indian Band Number, Indian Band Name, Indian Reserve Number, and Indian Reserve Name:

<u>Band</u>	<u>Reserve</u>
450 Driftpile First Nation	150 Driftpile River
451 Duncan's	151A Duncan's 151K William McKenzie
452 Kapawe'no First Nation	150B Freeman 150C Halcrow 150D Pakachan
449 Horse Lake	152B Horse Lakes 152C Clear Hills
454 Sawridge	150G Sawridge 150H Sawridge
455 Sturgeon Lake	154 Sturgeon Lake 154A Sturgeon Lake 154B Sturgeon Lake
456 Sucker Creek	150A Sucker Creek
457 Swan River First Nation	150E Swan River 150F Assineau River

TITLE

1. These Regulations shall be called the Lesser Slave Lake Indian Regional Council First Nations Police Services Regulations.

DEFINITIONS

2. In these Regulations

- (a) "Board" means the Lesser Slave Lake Regional Police Services Review Board established pursuant to these Regulations;
- (b) "Chief of Police" means the Chief of Police of the Lesser Slave Lake Regional Police Service appointed pursuant to these Regulations;
- (c) "Commission" means the Lesser Slave Lake Regional Police Commission established pursuant to these Regulations;
- (d) "Committee" means a group of Commission members appointed to hear appeals arising from complaints regarding policies of or services provided by the Regional Police Service;
- (e) "complaint" includes a public complaint;
- (f) "Council" means the Lesser Slave Lake Indian Regional Council;
- (g) "Member Indian Band" means an Indian Band that is a member of the Lesser Slave Lake Indian Regional Council and has executed the Lesser Slave Lake Indian Regional Council First Nations Police Services Master Agreement;
- (h) "Member Indian Reserve" means an Indian Reserve of a Member Indian Band;
- (i) "Presenting Officer" means a police officer or a lawyer who presents the case and the evidence against a cited officer at a disciplinary hearing;
- (j) "Presiding Officer" means a police officer appointed to conduct a disciplinary hearing;
- (k) "public complaint" means a complaint made regarding the Lesser Slave Lake Regional Police Service with respect to the policies, the services provided, or the actions of a police officer that is made by a person other than

- (i) a member of a police service,
 - (ii) a Commission or a member of a Commission,
 - (iii) a special constable,
 - (iv) a member of Council or a member of a Member Indian Band Council,
 - (v) the Director of Law Enforcement for the Province of Alberta, or
 - (vi) the Minister of Justice of Alberta;
- (l) "Regional Police Officer" refers to a person who is appointed as a police officer for the Regional Police Service, but does not include an auxiliary constable;
 - (m) "Regional Police Service" means the Lesser Slave Lake Regional Police Service as established pursuant to these Regulations;
 - (n) "Reserve" means those tracts of Indian land, the legal title to which is vested in Her Majesty, which have been set apart by Her Majesty for the use and benefit of the Member Indian Bands and includes Member Indian Reserves, any lands in which the Member Indian Bands hold a residual interest, and any other lands set apart by Her Majesty for the use of the Member Indian Bands pursuant to a land claim;

POLICE SERVICE

(Establish Regional Police Service)

- 3. The Council hereby establishes the Lesser Slave Lake Regional Police Service.

(Administration of Justice)

- 4. The Regional Police Service, the Chief of Police, and Regional Police Officers, employed with the Regional Police Service shall act under the direction of the Minister of Justice of Alberta in respect of matters concerning the administration of justice.

POLICE COMMISSION

(Establish Regional Police Commission)

5. The Council hereby establishes the Lesser Slave Lake Regional Police Commission.

(Police Commission Administration)

6. The Commission shall consist of 8 members who shall be appointed by Council, of whom only 2 members may be a member of Council or a Council employee, or a member of a Member Indian Band Council or an employee of a Member Indian Band.
7. The term of office for a person appointed to the Commission shall be 2 years or such longer term as the Council decides.
8. To be eligible to be a member of the Commission, a person must:
 - (a) be a member of a Member Indian Band who has attained the age of 18 years and is ordinarily a resident on a Member Indian Reserve or in the immediate vicinity of a Member Indian Reserve;
 - (b) be of good character; and
 - (c) have no criminal record or be eligible to be granted a pardon.
9. Notwithstanding Subsection 8 (a), the Council may appoint one non-Indian member who resides anywhere within the Province of Alberta to the Commission.
10. A member of the Commission may be reappointed during or after the conclusion of his term as a member of the Commission.
11. If a person who is a member of Council, or of a Member Indian Band Council, and is also a member of the Commission, that person's appointment to the Commission terminates upon that person's ceasing to be a member of either Council.
12. Any member of the Commission may resign by sending a written notice of resignation to the Chairman of the Commission and the date of resignation shall be the date the letter of resignation is received.

13. The appointment of a member to the Commission may be revoked during his term of office by majority vote of Council only for cause, where the Commission provides to the member written notice of a resolution to revoke the appointment of the member, the grounds of the proposed revocation and a reasonable opportunity for the member to address the Commission on the proposed revocation.
14. For the purposes of Section 13, cause includes cases where a Commission member
 - (a) is absent from 3 consecutive meetings of the Commission unless the absence is authorized by the Chairman or by resolution of the Commission,
 - (b) discloses Commission business without the written consent of the Chairman or without a resolution of the Commission authorizing such disclosure,
 - (c) acts in a manner that is detrimental to the operation of the Commission or demonstrates unethical behaviour, or
 - (d) is no longer eligible to be a member of the Commission as required by Section 8.
15. The members of the Commission shall elect from amongst themselves at the beginning of each year a Chairman and a Vice-Chairman.
16. The position of Chairman:
 - (a) shall not be occupied by a member of Council or a Council employee, or a member of a Member Indian Band Council or an employee of a Member Indian Band;
 - (b) if vacant, shall be filled with a permanent or temporary appointment before the Commission deals with any public complaint.
17. Council may make provision for the payment of an honorarium or allowance to the members of the Commission.
18. The Commission shall keep a written record of:
 - (a) the executive minutes of its meetings;

- (b) its decisions;
 - (c) its budget and annual plan;
 - (d) reports of any inquiries; and
 - (e) any other subject the Chairman directs.
19. All persons appointed to the Commission shall take the oath set out in Appendix 1.

(Police Commission Jurisdiction)

20. The Commission shall be responsible for the general supervision of the Regional Police Service subject to the right of the Council to:
- (a) appoint the members of the Commission;
 - (b) approve funding for the Regional Police Service;
 - (c) refer policies and Band laws which have enforcement implications to the Commission for consideration and recommendation; and
 - (d) subject to these Regulations, prescribe the rules governing the operation of the Commission including a Code of Ethics for the Commission members.
21. The Commission shall establish policies which are consistent with the policies set by the Council.
22. The Commission shall oversee the Regional Police Service and for that purpose shall:
- (a) allocate the funds that are provided by the Council;
 - (b) establish policies providing for efficient and effective policing;
 - (c) issue instructions as necessary to the Chief of Police in respect of policies for efficient and effective policing established by the Commission;
 - (d) ensure that sufficient persons are employed for the purposes of providing police services;

- (e) assess the requirements for police services through consultations, research, studies and inquiry; and
 - (f) make plans and recommendations for the improvement of policing services for the Member Indian Bands.
- 23. The Commission in consultation with the Chief of Police shall cause to be prepared:
 - (a) an annual budget for the operation of the Regional Police Service; and
 - (b) a yearly plan specifying the level of police service and programs to be provided in respect of the Member Indian Bands,and shall submit the budget and plans to Council for ratification.
- 24. The Commission in consultation with the Chief of Police shall provide information to Council to enable it to assess the operating and financial requirements of the Regional Police Service.
- 25. The Council is solely responsible for the approval of the budget for the Regional Police Service and the Commission is solely responsible for allocating the funds as approved by Council.
- 26. The Chief of Police and the Regional Police Officers are subject to the jurisdiction of the Commission and shall obey the directions of the Commission.
- 27. The Commission or any of its members shall not issue instructions to a Regional Police Officer other than to the Chief of Police, and then only by the Chairman or his designate.
- 28. The Commission may establish policies not inconsistent with these Regulations.
- 29. The Council or any of its members, the Member Indian Band Councils or any of their members, shall not, except as permitted by these Regulations,
 - (a) perform any function or exercise any control over the Regional Police Service that the Commission is empowered to exercise, or

- (b) issue any instructions to the Chief of Police or a Regional Police Officer or member of the Regional Police Service.
- 30. The Council is the employer of the members of the Regional Police Service.
- 31. For greater certainty, if members of the Regional Police Service are to be laid off for reasons other than for cause, the layoffs shall be made by the Commission and not by the Council.
- 32. The Council is liable for any legal liability incurred by the Commission and the Regional Police Service in the exercise of their duty.

(Police Commission Inquiries)

- 33. The Commission may conduct an inquiry into any matter respecting the Regional Police Service or the actions of the Chief of Police, any Regional Police Officer, or other person employed with the Regional Police Service.
- 34. The Commission may designate from among its members a Committee of one or more persons to conduct an inquiry.
- 35. Where more than one person is to conduct an inquiry, the Commission shall designate one of its members to act as the Chairman of the inquiry.
- 36. Where the inquiry concerns the policies of or services provided by the Regional Police Service, the inquiry, if conducted as a hearing, shall be open to the public.
- 37. Where, from the evidence before the inquiry, the Chairman of the inquiry is of the opinion that there is sufficient evidence that the actions of a specific Regional Police Officer constitute or may constitute a contravention of the Code of Ethics and Discipline governing the discipline or performance of duty of Regional Police Officers, he shall report that matter to the Commission.
- 38. On receiving a report under Section 37, the Commission shall refer the report to the Chief of Police who shall proceed to have the actions of the specific Regional Police Officer dealt with under the discipline provisions of these Regulations.

39. Notwithstanding that a report is made under Section 37, the persons conducting the inquiry may continue but shall not make any recommendations concerning the matter which is being dealt with under the discipline provisions of these Regulations.
40. When an inquiry is complete, the Chairman of the inquiry shall provide a written report of the findings of the inquiry to the Commission.
41. The expenses of an inquiry conducted under this section shall be paid for from the budget approved for the Commission.

CHIEF OF POLICE AND POLICE OFFICERS

(Police Officer Eligibility)

42. To be eligible to be appointed as a Regional Police Officer, other than the Chief of Police, a person must:
 - (a) be a Canadian citizen or lawfully admitted to Canada for permanent residence;
 - (b) be 18 years of age or older;
 - (c) be of good character;
 - (d) have no criminal record or be eligible for a pardon; and
 - (e) meet other qualifications specified by the Commission.

(Chief of Police Eligibility)

43. To be eligible to be appointed as the Chief of Police, a person must:
 - (a) be eligible to be appointed as a Regional Police Officer;
 - (b) have a minimum of 10 years' experience as a police officer with a police service in Canada; and

- (c) have proven leadership qualities and experience to lead and administer the Regional Police Service.

(Police Officer Appointment)

- 44. The Commission shall select for the Regional Police Service
 - (a) candidates who shall be fully empowered police officers upon receiving an appointment as a constable and peace officer, and
 - (b) upon the approval of the Council, the Chief of Police.
- 45. Each police officer appointed a Regional Police Officer shall, before commencing his duties, take the oath set out in Appendix 2.
- 46. The Commission may establish a probationary period of service for a person who is
 - (a) appointed as a Regional Police Officer, or
 - (b) appointed or promoted to a position of higher rank within the Regional Police Service.
- 47. The Commission may establish a voluntary Auxiliary Constable Program whose members have authority to act when accompanied by and under the direct supervision of a Regional Police Officer.

(Police Officer Dismissals and Layoffs)

- 48. (1) A Regional Police Officer may be dismissed by the Chief of Police for disciplinary reasons pursuant to the disciplinary procedures of these Regulations.
 - (2) The Commission may terminate the services of a Regional Police Officer for other than disciplinary reasons.

(Police Officer Jurisdiction)

- 49. (1) The Commission may restrict the territorial jurisdiction of any police officer of the Regional Police Service.

(2) Where the territorial jurisdiction of a Regional Police Officer is restricted under Section 49(1), that Regional Police Officer may notwithstanding that restriction, carry out his functions and exercise his powers beyond that jurisdiction if he is in immediate pursuit of a person who he has reasonable and probable grounds to believe has committed an offence against any law that the Regional Police Officer is empowered to enforce.

(Police Officer Authority and Duties)

50. Every police officer of the Regional Police Service is a peace officer and has the authority, responsibility and duty

- (a) to perform all duties that are necessary
 - (i) to carry out the functions of a peace officer,
 - (ii) to encourage and assist the community in preventing crime,
 - (iii) to encourage and foster a co-operative relationship between the Regional Police Service and the Member Indian Bands and others,
 - (iv) to apprehend persons who may lawfully be taken into custody,
 - (v) to execute all warrants and perform all related duties and services, and
 - (vi) to foster a sense of public and personal security in the community.

(Liability)

51. The Chief of Police is liable in respect of a tort committed by a Regional Police Officer or employee in the course of his employment, if

- (a) the Regional Police Officer or employee was under the direction and control of the Chief of Police at the time that the tort was committed, and

- (b) the tort was committed in the performance or purported performance of the duties of the Regional Police Officer or employee.
52. The Chief of Police shall be treated for all purposes as a joint tort-feasor in respect of a tort referred to in Section 51.
53. The Chief of Police is liable for a tort committed by himself in the performance or purported performance of his duties.
54. The Council and not the Chief of Police, shall pay the following in respect of any action brought against the Chief of Police under Sections 51 and 53:
- (a) any damages and costs awarded against the Chief of Police;
 - (b) any costs incurred by the Chief of Police in respect of the action insofar as those costs are not recovered by him in the action; and
 - (c) any sum payable under a settlement that is agreed to by Council in respect of the action.
55. If the office of the Chief of Police is vacant, the Regional Police Officer responsible for the direction and control of the Regional Police Service shall be considered to be the Chief of Police for purposes of Sections 51 to 54.
56. Where a civil legal action is brought against a Regional Police Officer arising out of the performance of his duties, the Council may in respect of that action indemnify the Regional Police Officer, in whole or in part, for the following:
- (a) any damages and costs or either of them awarded against him;
 - (b) any costs incurred and not recovered by him; and
 - (c) any sum payable under a settlement.

(Chief of Police Duties and Responsibilities)

57. (1) The Chief of Police of the Regional Police Service is responsible for the following:

- (a) the preservation and the maintenance of the public peace and the prevention of crime within the Member Indian Reserves and any other place in which the Regional Police Service is authorized to act;
- (b) the maintenance of discipline and the performance of duty within the Regional Police Service, subject to these Regulations and to the provisions governing the discipline and performance of duty of Regional Police Officers as set out in the Code of Ethics and Discipline;
- (c) the day to day administration of the Regional Police Service;
- (d) the application of professional police procedures; and
- (e) the enforcement of policies approved by the Commission with respect to the Regional Police Service.

(2) For the purposes of Section 57(1), the Chief of Police shall issue orders and make directives as he considers necessary.

58. The Chief of Police is accountable to the Commission for the following:

- (a) the operation of the Regional Police Service;
- (b) the manner in which he carries out his responsibilities;
- (c) the administration of the finances and operations of the Regional Police Service in keeping with the yearly plan or any amendments to it that the Commission may make;
- (d) the reporting to the Commission of any information concerning the activities of the Regional Police Service that the Commission may request, other than information concerning individual investigations or intelligence files; and
- (e) the reporting to the Commission of any complaint made against the Regional Police Service or its members and the manner in which the complaint is resolved.

59. The Commission shall not issue an instruction under Section 22(c) that is inconsistent with the duties and responsibilities conferred on the Chief of Police under these Regulations.

COMPLAINTS AND DISCIPLINE

(Bringing of Complaints)

60. A public complaint with respect to the Regional Police Service or a Regional Police Officer shall be in writing and signed by the complainant or, if made verbally, the Chief of Police shall have a written report of the complaint made.
61. All complaints with respect to the Regional Police Service or a Regional Police Officer, other than the Chief of Police, shall be referred to the Chief of Police.
62. All complaints with respect to the Chief of Police shall be referred to the Commission.
63. Where the Chief of Police initiates a complaint with respect to a Regional Police Officer, he shall deal with it in the same manner as if it were made by another person and referred to him under Section 61.

(Complaints about Policies and Services)

64. (1) Where a complaint is in regard to the policies of or services provided by the Regional Police Service, the Chief of Police shall review the matter, and
- (a) take whatever action he considers appropriate, if any, or
 - (b) refer the matter to the Commission for it to take whatever action it considers appropriate.
- (2) On the disposition of a matter by the Chief of Police or the Commission under Subsection (1), the Chief of Police shall advise the complainant in writing

- (a) as to the disposition of the matter in respect of which the complaint was made, and
 - (b) of the complainant's right to appeal the matter to the Commission if he is not satisfied with its disposition.
- (3) Where a complaint is disposed of under Subsection (1)(a), the complainant may, within 30 days from the day he was advised of the disposition of the complaint, appeal the disposition of the complaint to the Commission.
- (4) Where the disposition of a complaint is appealed to the Commission under Subsection (3), the Commission shall
- (a) review the matter, and
 - (b) take whatever action it considers appropriate, if any.
- (5) Notwithstanding Subsection (4), a Commission may appoint a Committee consisting of not fewer than 3 members of that Commission to conduct appeals made to the Commission under Subsection (3).
- (6) Where a Committee of the Commission concludes an appeal under this section, it shall make a recommendation to the Commission with respect to the disposition of the appeal.
- (7) On reviewing the recommendation made under Subsection (6) the Commission shall take whatever action it considers appropriate, if any.
- (8) The Commission or, where a Committee of the Commission is conducting an appeal, the Committee, may conduct a hearing into the matter being appealed.
- (9) On disposing of an appeal the Commission shall advise the complainant and the Chief of Police in writing as to the disposition of the appeal. The decision of the Commission is final.
- (10) The Chief of Police shall make a report in writing to the Commission of all complaints made as to the policies of or services provided by the Regional Police Service and his disposition of the complaints.

(Complaints about Police Officers)

65. (1) Where a complaint is a complaint as to the actions of a Regional Police Officer other than the Chief of Police, the Chief of Police shall cause the complaint to be investigated.

(2) If, after causing the complaint to be investigated, the Chief of Police is of the opinion that the actions of a Regional Police Officer may constitute

(a) an offence under an Act of the Parliament of Canada or a Member Indian Band law or the Legislature of Alberta, he shall refer the matter to the Minister of Justice of Alberta, or

(b) a contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of Regional Police Officers,

he shall cause the matter to be proceeded with under Subsection (3).

(3) Where the Chief of Police is of the opinion that the actions of a Regional Police Officer constitute a contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of Regional Police Officers, he, or a Regional Police Officer designated by him, or designated by the Commission pursuant to Section 76(b), shall conduct a hearing into the matter as it relates to that contravention.

(4) Notwithstanding Section 65(3), the Chief of Police may decide the matter before him without a hearing, where he is of the opinion that a contravention of the provisions governing the discipline and the performance of duty, as set out in the Code of Ethics and Discipline, is not of a serious nature and may

(a) dismiss the matter,

(b) give verbal counselling,

(c) issue an official written warning, or

- (d) with the agreement of both the complainant and the accused Regional Police Officer, informally resolve the matter.
66. (1) Where a Regional Police Officer receives an official written warning under Section 65(4)(c), the Regional Police Officer may appeal in writing to the Commission within 14 days from the day that the official written warning is received by the Regional Police Officer.
- (2) The decision of the Commission in respect of an appeal made under Subsection (1) is final.
67. Where the Chief of Police is of the opinion that the actions of a Regional Police Officer constitute a contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of Regional Police Officers, and the matter is not dealt with pursuant to Section 65(4), the Chief of Police shall charge the Regional Police Officer with a breach of discipline or performance of duty.

(Charging of Police Officers)

68. (1) Where a Regional Police Officer is to be charged with a contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of Regional Police Officers, the charge shall be in writing and shall
- (a) identify the specific offence that the cited police officer is charged with, and
 - (b) state the date, time and place that the cited police officer is to appear before a hearing into the offence.
- (2) A charge prepared under this section shall have attached to it
- (a) a statement setting out the particulars of the actions of the cited police officer that constitute the alleged contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of Regional Police Officers, and
 - (b) a list of witnesses and a statement of the evidence to be introduced as evidence in the hearing.

(3) A copy of the charge and attachments shall be served on the cited police officer at least 10 days before the commencement of the hearing.

(New Evidence)

69. Notwithstanding Section 68(2)(b), where evidence is obtained after service on the cited police officer of the statement of evidence, that evidence may be introduced in the hearing if the Presiding Officer is satisfied that

- (a) the evidence was not available at the time of service on him of the statement of evidence, and
- (b) the cited police officer was given a statement of the new evidence as soon as practicable.

(Presiding Officer)

70. (1) The Presiding Officer at a hearing

- (a) who is a Regional Police Officer must be senior in rank to the cited police officer, and
- (b) must not be
 - (i) the immediate supervisor of the cited police officer,
 - (ii) the police officer who conducted the service investigation leading to the charge, or
 - (iii) in the case of an internal complaint, the Regional Police Officer who filed the complaint.

(2) A police officer who has direct knowledge of the investigation of the complaint is not eligible to be appointed to preside at a hearing arising from that investigation.

(Presenting Officer)

71. Where a hearing is to be held, the Chief of Police may appoint a police officer or engage a lawyer to

present the case and the evidence against the cited officer.

(Procuring Witnesses)

72. The Presenting Officer and the cited officer shall provide the Presiding Officer with the names of witnesses they intend to call to give evidence at the hearing and the Presiding Officer shall summon those witnesses to attend the hearing.

(Holding of Hearing)

73. (1) Where a hearing or a portion of a hearing is to be conducted,
- (a) in the case of a complaint as to the actions of a Regional Police Officer, other than the Chief of Police, the person conducting the hearing shall direct that the hearing be conducted in public or private whichever he determines to be in the public interest, and
 - (b) in the case of a complaint as to the actions of the Chief of Police, the Presiding Officer shall direct that the hearing be conducted in public or private whichever he determines to be in the public interest.
- (2) Where a hearing is proceeded with,
- (a) all oral evidence received shall be taken down in writing or recorded by electronic means, and
 - (b) all the evidence taken down in writing or recorded by electronic means and all documentary evidence and things received in evidence, form the record of the proceedings.
- (3) When a hearing is held in private, the hearing may be attended only by those persons involved in the proceedings.
- (4) Notwithstanding Subsection (3), when a hearing is held in private and a minor is called to testify at a hearing, a parent or representative of the minor may be present when the minor is testifying.

(5) Notwithstanding that a hearing is held in private, the Chief of Police may authorize a police officer to attend a hearing as an observer for the purpose of becoming familiar with the procedures.

74. The Chief of Police may, pending completion of an investigation into a breach of discipline or performance of duty complaint against the Regional Police Officer:

- (a) reassign the Regional Police Officer to other duties;
- (b) relieve from duty the Regional Police Officer with pay; or
- (c) relieve from duty the Regional Police Officer without pay subject to confirmation by the Commission within 30 days from the day of suspension.

75. A police officer charged under Section 67, shall have the right:

- (a) to hear the case against him;
- (b) to be represented by another person; and
- (c) to make representations to the Presiding Officer.

76. If

- (a) a Regional Police Officer is the subject of an investigation or hearing, and
- (b) in the opinion of the Chief of Police,
 - (i) there is not a Regional Police Officer who has sufficient rank and experience to, or
 - (ii) it would be in the public interest to have one or more police officers of another police service,

conduct the investigation, present the case or preside at the hearing, or perform any combination of those functions, as the case may be,

the Chief of Police may request the Chairman of the Commission to make arrangements for another police

service to provide the necessary police officers to carry out those functions.

77. Where a police officer of another police service carries out any functions pursuant to a request made under Section 76, that police officer has, for the purposes of carrying out those functions, the same powers as a Chief of Police or Presiding Officer, as the case may be.

(Punishment of Police Officers)

78. (1) On the finding that a contravention of the provisions governing discipline or the performance of the duties of a Regional Police Officer has occurred, the Presiding Officer shall impose such disciplinary measures as he decides necessary, including:

- (a) a written reprimand;
- (b) forfeiture of hours of work accumulated through overtime, not to exceed 40 hours;
- (c) a suspension from duty without pay for a period not to exceed 80 hours of work;
- (d) a demotion in rank; or
- (e) dismissal from the Regional Police Service.

(2) Where the Presiding Officer is not the Chief of Police, the Presiding Officer shall advise the Chief of Police in writing of the decisions and sanctions imposed, if any.

(3) In addition to or in lieu of any penalty that may be applied, the cited officer may also be directed to undertake special training or professional counselling or treatment and to comply with conditions related to his continued employment.

(4) Notwithstanding Subsection (1), where the Presiding Officer

- (a) is not the Chief of Police, and
- (b) makes a finding that the cited officer is guilty of a contravention of the Code of Ethics and Discipline or provisions governing the performance of duty,

the Presiding Officer may, before determining the punishment to be imposed on the cited officer, consult with the Chief of Police with respect to the punishment to be imposed.

(5) Where the punishment to be imposed on the cited officer is dismissal, the Presiding Officer may, if he is of the opinion that the circumstances warrant it, permit the cited officer to resign from the Regional Police Service within the time specified by the Presiding Officer instead of being dismissed.

(Application of Punishment)

79. (1) Where the punishment imposed on a cited officer is reduction in rank, the Presiding Officer shall indicate the numerical position the police officer is to occupy in the seniority roll concerned.

(2) Where a cited officer is to be dismissed or permitted to resign from the police service

(a) that action shall be held in abeyance, and

(b) the cited officer shall be placed under suspension without pay,

until the period of appeal to the Board has lapsed or until the appeal has been concluded.

80. The Chief of Police shall advise the cited police officer, the complainant and the Commission in writing of

(a) the decision and sanctions imposed, if any, and

(b) the right to appeal the decision to the Board.

81. The cited police officer, or the complainant, within 30 days from the day he was advised in writing of the decision of the Chief of Police or Presiding Officer may appeal the decision, or the sanctions imposed to the Board.

82. Where a Regional Police Officer is charged with a contravention of the Code of Ethics and Discipline or the performance of duty, and

(a) the charge is withdrawn,

(b) the Regional Police Officer is found not guilty of the charge, or

(c) the police officer is found guilty but on appeal is found not guilty of the charge,

any punishment imposed on the Regional Police Officer shall be rescinded and any pay, benefits or time lost by reason of the suspension shall be returned to the cited officer.

(Record of Proceedings)

83. Where requested in writing by the cited officer, the Chief of Police shall provide the cited officer with a copy of the transcript from and any document and reports used in the cited officer's hearing.

(Record of Discipline)

84. (1) When a period of 5 years has elapsed from the day that punishment is imposed on a Regional Police Officer, any record of the disciplinary proceedings respecting the punishment or the contravention shall

(a) be removed from the Regional Police Officer's file and destroyed, and

(b) not be used or referred to in any future proceedings respecting that Regional Police Officer.

(2) When a period of 3 years has elapsed from the day an official warning was issued to a Regional Police Officer, the official warning shall

(a) be removed from the Regional Police Officer's file and destroyed, and

(b) not be used or referred to in any future proceedings respecting that Regional Police Officer.

(Complaints about the Chief of Police)

85. (1) Where a complaint concerns the actions of the Chief of Police, the Chairman of the Commission shall cause the complaint to be investigated.

(2) The Chairman of the Commission, with the approval of the Commission, may make arrangements for a Chief of Police or a senior officer of another police service to carry out the investigation concerning a complaint against the Chief of Police.

86. If, after the complaint is investigated, the Commission is of the opinion that the actions of the Chief of Police may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Commission shall refer the matter to the Minister of Justice of Alberta.
87. Notwithstanding Section 86, where the Commission is of the opinion that the actions of the Chief of Police constitute a contravention of the provisions governing the Code of Ethics and Discipline or the performance of duty of the Regional Police Officers, the Chairman shall advise the Chief of Police that he is charged with a breach of discipline or performance of duty.
88. When the Chief of Police is charged with a breach of discipline or of the provisions governing the performance of duty, the Commission shall conduct a hearing into the matter.
89. Where the Chief of Police is charged with a breach of discipline or of the provisions governing the performance of duty, Sections 68, 69, 71, 72, 73(2)(3), 77, 78(3), 79(2), 82, 83 and 84 of these Regulations apply with any necessary changes and apply to any charge against the Chief of Police and in particular:
 - (a) the Commission shall exercise the powers and discharge the responsibilities of the Chief of Police under Sections 71 and 83;
 - (b) for the purposes of Sections 68, 69, 72, 78(3) and 79(2) the Chief of Police shall be deemed to be a cited officer;
 - (c) for the purposes of Sections 82 and 84, the Chief of Police shall be deemed to be a Regional Police Officer.
90. The Commission may, pending completion of an investigation into a breach of discipline or performance of duty complaint against the Chief of Police:

- (a) relieve the Chief of Police of his duties and reassign him to other duties;
 - (b) relieve from duty the Chief of Police with pay;
or
 - (c) relieve from duty the Chief of Police without pay.
91. The Chief of Police charged under Section 87, shall have the right:
- (a) to hear the case against him;
 - (b) to be represented by another person; and
 - (c) to make representations to the Commission.
92. The Commission may decide the matter before it with or without a hearing.

(Punishment of the Chief of Police)

93. (1) On the finding of a contravention of the provisions governing discipline or the performance of the duties of the Chief of Police, the Commission shall impose such disciplinary measures as it decides necessary, including:
- (a) a written reprimand;
 - (b) forfeiture of hours of work accumulated through overtime, not to exceed 40 hours;
 - (c) a suspension from duty without pay for a period not to exceed 40 hours; or
 - (d) dismissal from the Regional Police Service.
- (2) In addition to or in lieu of any penalty that may be applied, the Chief of Police may also be directed to undertake special training or professional counselling or treatment and comply with conditions related to his continued employment.
94. The Chairman of the Commission shall advise the Chief of Police and the complainant in writing of
- (a) the decision and sanctions imposed, if any, and
 - (b) the right to appeal the decision to the Board.

95. The Chief of Police, or the complainant, within 30 days from the day he was advised in writing of the decision, may appeal the decision or the sanctions imposed, to the Board.

REGIONAL POLICE SERVICES REVIEW BOARD

(Establish Review Board)

96. The Council hereby establishes the Lesser Slave Lake Regional Police Services Review Board, for the purpose of hearing appeals from disciplinary decisions concerning Regional Police Officers including the Chief of Police.

(Review Board Administration)

97. The Board will consist of a Judge of the Provincial Court of Alberta nominated by the Chief Judge of the Provincial Court of Alberta.
98. (1) At the request of the Board, the Council shall appoint a secretary to the Board who shall
- (a) keep a record of all proceedings conducted before the Board,
 - (b) have the custody and care of the records and documents of the Board,
 - (c) act as a registrar of all notices of appeal and complaints received by the Board, and
 - (d) prepare reports required by the Minister of Justice of Alberta.
- (2) If the secretary is not an employee of the Council,
- (a) the Council shall prescribe the fees or remuneration to be paid to the secretary, and
 - (b) the secretary shall be paid expenses as prescribed by the Council for subsistence and travelling while absent from his ordinary place of residence in the course of his duties as the secretary to the Board.

(Review Board Appeals)

99. (1) The Board
- (a) may, on its own motion, conduct inquiries respecting complaints,
 - (b) shall conduct appeals referred to the Board, under section 100, and
 - (c) shall at the request of the Alberta Minister of Justice conduct inquiries in respect of any matter respecting policing or police services.
- (2) If the Board is of the opinion that the actions of a Regional Police Officer who is the subject of an appeal or an inquiry may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Alberta Minister of Justice.
- (3) Notwithstanding that the actions of the Regional Police Officer have been referred to the Alberta Minister of Justice under subsection (2), if the Board is of the opinion that those actions also constitute a contravention of the Code of Ethics and Discipline or the performance of duty of Regional Police Officers, the matter, as it relates to that contravention, may be proceeded with by the Board unless the Alberta Minister of Justice directs otherwise.
100. The Board shall hear appeals from any decision of the Chief of Police or Presiding Officer concerning a complaint regarding the actions of a Regional Police Officer or from the decision of the Commission concerning a complaint regarding the actions of the Chief of Police.
101. The Board shall hold sittings as it considers necessary to hear appeals on any of the member Reserves or elsewhere in Alberta.
102. The Board may, at its discretion:
- (a) decide the appeal based on the written submissions of the parties to the appeal; or
 - (b) hold a hearing to decide the appeal.

103. (1) If the Board is of the opinion that the actions of a Chief of Police or a Regional Police Officer who is the subject of an appeal may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, the Board shall refer the matter to the Minister of Justice of Alberta.
- (2) Notwithstanding that the actions of the Chief of Police or a Regional Police Officer have been referred to the Minister of Justice of Alberta under Subsection (1), if the Board is of the opinion that those actions also constitute a contravention of the Code of Ethics and Discipline or the provisions governing the performance of the duty of Regional Police Officers including the Chief of Police, the Board in its discretion may adjourn or proceed with the appeal.
104. The Board shall give at least 10 days' notice in writing before commencement of the appeal, to the appellant and any other person who, in the Board's opinion, is likely to be directly affected by the appeal.
105. The Board may
- (a) require the Chief of Police or the Commission to produce to the Board copies of all investigation reports, statements, correspondence or other documents or things relating to the appeal, and
 - (b) receive such information or evidence as it deems in its discretion relevant to the appeal.
106. The Chief of Police or the Regional Police Officer who is the subject of the complaint which gave rise to the appeal is entitled:
- (a) to notice of the appeal;
 - (b) to hear the case against him;
 - (c) to be represented by another person; and
 - (d) to make representations to the Board.
107. Any person who, in the Board's opinion is likely to be directly affected by an appeal is entitled:
- (a) to submit information;

- (b) to make representations to the Review Board;
and
- (c) to be represented by another person.

108. The Board may

- (a) from time to time adjourn matters that are before the Board, and
- (b) in respect of an appeal, extend at any time the time for service of the notice of appeal under Section 103 of this Agreement for a further period not to exceed 30 days.

109. Where the Board concludes an appeal, it may

- (a) allow the appeal,
- (b) dismiss the appeal,
- (c) vary the decision being appealed,
- (d) affirm or vary the punishment imposed, or
- (e) take any other action that the Board considers proper in the circumstances.

110. When the Board conducts an appeal the following shall be informed in writing of the findings of the Board:

- (a) the appellant;
- (b) the complainant, and the Chief of Police, or the Regional Police Officer against whom the complaint was made; and
- (c) the Commission.

111. The decision of the Board in respect of any appeal is final.

112. Notwithstanding Section 111, the decision of the Board in respect of a matter appealed to it under Section 99 may,

- (a) within 30 days from the day that the Board gives its decision, and
- (b) with the leave of the Court of Appeal,

be appealed to the Alberta Court of Appeal on a question of law.

113. If the Board is of the opinion that a party to an appeal has acted in a frivolous or vexatious manner, the Board may

- (a) award costs against that party in an amount considered appropriate by the Board, and
- (b) direct that the costs referred to in clause (a) be paid
 - (i) to any other party to the appeal,
 - (ii) to the Council, or
 - (iii) partly to any other party to the appeal and partly to the Council.

(Lock-up)

114. Upon implementation of these Regulations, the Commission shall make provision for the use of adequate lock-up facilities, and if maintained by the Council, they shall be under the direction and control of the Regional Police Service.

(Uniforms)

115. A member of the Regional Police Service shall wear only the uniform and insignia approved by the Commission.

(Police Commission Policies and Procedures)

116. The Commission, subject to these Regulations, may establish policies:

- (a) governing the operation of the Commission;
- (b) governing the operation of the Regional Police Service, including the establishment of ranks within the Regional Police Service;
- (c) governing the appointment, employment, qualifications, training, duties, discipline and performance of duty of Regional Police Officers;

- (d) governing investigations of Regional Police Officers;
- (e) prescribing colour and style of uniforms, accoutrements and insignia for Regional Police Officers;
- (f) governing clothing and equipment furnished to or used by Regional Police Officers;
- (g) governing firearms with respect to Regional Police Officers;
- (h) governing the employment for civilian employees of the Regional Police Service;
- (i) governing the providing of and release of information by the Commission or the Regional Police Service; and
- (j) prescribing the information and statistical data to be kept and reported by the Regional Police Service.

(Provision for Code of Ethics and Discipline)

117. The Code of Ethics and Discipline for Regional Police Officers shall be as set out in Appendix 3 of these Regulations. The Code of Ethics and Discipline may be amended from time to time by the Council upon the recommendation of the Commission.

(Agreements)

118. (1) The Council may enter into an arrangement or an agreement for the policing of the Member Indian Reserves that it considers proper with the federal government, the provincial government or any other party.
- (2) Where Council has entered into an arrangement or an agreement for the policing of the Member Indian Reserves under Subsection (1), the Commission shall be bound by the terms of the arrangement or agreement.
119. (1) The Council may enter into a contractual agreement for policing other territory within Alberta, by the Regional Police Service, subject to any approvals that may be required.

(2) Where Council has entered into a contractual agreement for policing other territory within Alberta, by the Regional Police Service under Subsection (1), the Commission shall be bound by the terms of the contractual agreement.

120. In these Regulations, the masculine shall also indicate the feminine; the singular shall also indicate the plural as the context may require and the expression "shall" is to be construed as imperative and the expression "may" as permissive.

✱ ✱ ✱ ✱

These Regulations were ratified by the Council and by the Member Indian Bands through their execution of the Lesser Slave Lake Indian Regional Council First Nations Police Services Master Agreement.

FIRST NATIONS POLICE SERVICES REGULATIONS

APPENDICES

OATH OF OFFICE

(POLICE COMMISSION MEMBER)

I, _____, swear (or:
solemnly affirm) that I will diligently, faithfully and
to the best of my ability execute according to law the
office of a member of the LESSER SLAVE LAKE REGIONAL
POLICE COMMISSION 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 LESSER
SLAVE LAKE REGIONAL POLICE COMMISSION, so help me God
(or: this affirmation is binding upon my conscience).

Sworn (Affirmed) before me)
)
in the _____)
)
of _____ in the)
)
Province of Alberta this ____)
)
day of _____)
)
A.D. 19 _____.)
)
_____)

(Signature)

A Commissioner for Oaths in
and for the Province of Alberta

OATH OF ALLEGIANCE AND OFFICE

(POLICE OFFICERS AND OTHER PEACE OFFICERS)

I, _____, swear (or: solemnly affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law, in the office of _____ for the LESSER SLAVE LAKE REGIONAL POLICE SERVICE and that I will diligently, faithfully and to the best of my ability execute according to law the office of _____, and will not, except in the discharge of my duties, disclose to any person any matter or evidence that may come to my notice through my tenure in this office, so help me God (or: this affirmation is binding upon my conscience).

Sworn (Affirmed) before me)
)
 in the _____)
)
 of _____ in the)
)
 Province of Alberta this ____)
)
 day of _____)
)
 A.D. 19 _____.)
)
 _____)

(Signature)

A Commissioner for Oaths in
 and for the Province of Alberta

CODE OF ETHICS AND DISCIPLINE

1. The Chief of Police may authorize the Deputy Chief to carry out any duty or function of the Chief of Police set out in the Code of Ethics and Discipline.
2. (1) A Regional Police Officer shall not engage in any action that constitutes one or more of the following:
 - (a) breach of confidence;
 - (b) consumption or use of liquor or drugs in a manner that is prejudicial to duty;
 - (c) corrupt practice;
 - (d) deceit;
 - (e) discreditable conduct;
 - (f) improper use of firearms;
 - (g) insubordination;
 - (h) neglect of duty;
 - (i) unlawful or unnecessary exercise of authority.
- (2) For the purposes of subsection (1),
 - (a) "breach of confidence" consists of one or more of the following:
 - (i) divulging any matter that it is his duty to keep in confidence;
 - (ii) giving 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 the warrant or service of the summons;
 - (iii) without proper authorization from the Chief of Police or in contravention of any rules of the Regional Police Service, communicating to the news media or to any unauthorized person any matter connected with the Regional Police Service;

- (iv) without proper authorization from the Chief of Police showing to
 - (A) any person who is not a member of the Regional Police Service, or
 - (B) any unauthorized member of a police service,any record that is the property of or in the custody of the Regional Police Service;
- (v) signing or circulating a petition or statement in respect of a matter concerning the Regional Police Service, except through the proper official channel or correspondence or established grievance procedure;
- (b) "consumption or use of liquor or drugs in a manner that is prejudicial to duty" consists of one or more of the following:
 - (i) consuming liquor while on duty unless otherwise authorized to do so by the Chief of Police;
 - (ii) consuming or otherwise using drugs that are prohibited by law from being in his possession;
 - (iii) reporting for duty, being on duty or standing by for duty while unfit to do so by reason of the use of alcohol or a drug;
 - (iv) demanding, persuading or attempting to persuade another person to give, purchase or obtain any liquor for a Regional Police Officer who is on duty;
- (c) "corrupt practice" consists of one or more of the following:
 - (i) 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 Regional Police Officer;

- (ii) directly or indirectly soliciting or receiving a payment, gift, pass, subscription, testimonial or favour without the consent of the Chief of Police;
 - (iii) placing himself under a financial, contractual or other obligation to a person in respect of whom the Regional Police Officer could reasonably expect he may be required to report or give evidence;
- (d) "deceit" consists of one or more of the following:
 - (i) wilfully or negligently making or signing a false, misleading or inaccurate statement or entry in an official document or record;
 - (ii) wilfully or negligently making or signing a false, misleading or inaccurate statement pertaining to the Regional Police Officer's official duties;
 - (iii) without a lawful excuse,
 - (A) destroying, mutilating or concealing an official document or record, or
 - (B) altering or erasing an entry in an official document or record;
- (e) "discreditable conduct" consists of one or more of the following:
 - (i) contravening
 - (A) an Act of the Parliament of Canada,
 - (B) an Act of the Legislature of Alberta,
 - (C) any regulation made under an Act of either the Parliament of Canada or the Legislature of Alberta, or
 - (D) a Member Indian Band law,

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

- (ii) using oppressive or tyrannical conduct towards a subordinate;
 - (iii) using profane, abusive or insulting language to any member of a police service or to any member of the general public;
 - (iv) wilfully or negligently making a false complaint or statement against any member of a police service;
 - (v) withholding or suppressing a complaint against or a report made in respect of a peace officer or a police service;
 - (vi) abetting in or knowingly being an accessory to a contravention of this section by another peace officer;
 - (vii) 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;
 - (viii) doing anything prejudicial to discipline or likely to bring discredit on the reputation of the Regional Police Service;
- (f) "improper use of firearms" consists of one or more of the following:
- (i) when on duty, having in his possession any firearm other than one that is issued to the Regional Police Service;
 - (ii) 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 the Chief of Police;

- (iii) failing to exercise sound judgment and restraint in respect of the use and care of a firearm;
- (g) "insubordination" consists of one or both of the following:
- (i) being insubordinate to a senior Regional Police Officer by word or action;
 - (ii) omitting or neglecting, without adequate reason, to carry out a lawful order, directive, rule or policy of the Commission, the Chief of Police or other person who has the authority to issue or make that order, directive, rule or policy;
- (h) "neglect of duty" consists of one or more of the following:
- (i) neglecting, without a lawful excuse, to promptly and diligently perform his duties as a Regional Police Officer;
 - (ii) failing to work in accordance with orders or leaving an area, detail or other place of duty without due permission or sufficient cause;
 - (iii) permitting a prisoner to escape on account of the Regional Police Officer being careless or negligent;
 - (iv) failing, when knowing where an offender is to be found, to report him or to make reasonable efforts to bring him to justice;
 - (v) failing to report a matter that it is his duty to report;
 - (vi) failing to report anything that he knows concerning a criminal or other charge;
 - (vii) failing to disclose any evidence that he, or any other person to his knowledge, can

give for or against any prisoner or
defendant;

(i) "unlawful or unnecessary exercise of authority"
consists of one or both of the following:

(i) exercising his authority as a Regional
Police Officer when it is unlawful or
unnecessary to do so;

(ii) applying inappropriate force in
circumstances in which force is used.