

BLOOD TRIBE POLICE AMENDMENT BYLAW

WHEREAS the Blood Tribe Chief and Council passed the Blood Tribal Police Bylaw on April 18, 1980;

AND WHEREAS the Blood Tribal Police Bylaw went into effect and constituted the basis for the Blood Tribal Police Force;

AND WHEREAS the Blood Tribe Council, in consultation with the Solicitor General of Canada and the Alberta Department of Justice, have determined that various provisions of the Blood Tribal Police Bylaw require updating and revision;

AND WHEREAS the Blood Tribe Council passed a resolution on August 13, 1984 authorizing the move towards more autonomous control of policing, and another resolution on January 13, 1989 expressing an intention to differentiate Blood Tribe policing from the Alberta Police Act c. 12.01 S.A. 1988;

AND WHEREAS Paragraph 7.02 of the Blood Tribal Police Bylaw allows for the provisions of the Bylaw to be amended or altered from time to time;

NOW THEREFORE, the Blood Tribe Council enacts as follows:

1. The Blood Tribal Police Bylaw shall be amended in the following manner:

IN THE PREAMBLE:

2. In the first paragraph of the preamble:
 - a) the words '*Blood Band of Indians*' shall be replaced by '*Blood Tribe*';
 - b) the words '*under Treaty 7*' shall be inserted after the word '*obligation*';
 - c) the words '*Blood Indian Band*' shall be replaced by '*Blood Tribe*'.
3. In the second paragraph of the preamble:
 - a) the words '*Blood Band of Indians*' shall be replaced by '*Blood Tribe*';
 - b) the words '*the Indian people*' shall be replaced by '*the Blood members*';
 - c) '*Blood Indian Police Commission*' shall be replaced by '*Blood Tribe Police Commission*'.

4. In the third paragraph of the preamble:
 - a) the words '*the said Commission and Council*' shall be replaced by '*the Council and the said Commission*';
 - b) the words '*Blood Indian people*' shall be replaced by '*Blood Tribe*'.
5. The fourth paragraph of the preamble shall be deleted and replaced by the following:

WHEREAS the Commission will be assisted in the fair and efficient fulfilment of such duty and obligation by the Blood Tribe Police Service hereinafter constituted and established by reason of the knowledge and respect which the members of the said Police Service have for the aforesaid customs and traditions and by reason of the ability of members of the aforesaid Police Service to communicate with the Blood Tribe members in their own language.

6. The fifth paragraph of the preamble shall be deleted.

IN PART I:

7. A new section shall be inserted as follows:

1.00 Definitions

8. In the original section 1.01, '*Blood Tribal Police Bylaw*' shall be replaced by '*Blood Tribe Police Bylaw*'.

9. A new subsection 1.02.01 shall be inserted as follows:

1.02.01 "Blood Tribe" means one of the parties that was signatory to Treaty 7 between the Crown and the Blackfeet Indians and is also known as the Blood Tribe Band;

6. The original subsection 1.02.01 shall be renumbered 1.02.02 and shall be amended as follows:

1.02.02 "Chief of Police" means the senior police officer appointed as the Chief of Police of the Blood Tribe Police Service;

10. The original subsection 1.02.02 shall be renumbered 1.02.03 and the words '*Blood Indian Police Commission*' shall be replaced by '*Blood Tribe Police Commission*'.

11. The original subsection 1.02.03 shall be renumbered 1.02.04 and shall be amended as follows:

1.02.04 "Council" means the Chief and Council of the Blood Tribe as elected pursuant to the Blood Tribe Custom Election Bylaw as amended from time to time;

10. The original subsection 1.02.04 shall be renumbered 1.02.05 and the phrase '*Chapter I-6 R.S.C. 1970*' shall be replaced by '*Chapter I-5 R.S.C. 1985*'.

11. The original subsection 1.02.05 shall be renumbered 1.02.06 and amended as follows:

- a) the words '*Police Force*' shall be replaced by '*Police Service*';
- b) the words '*Blood Tribal Police Force*' shall be replaced by '*Blood Tribe Police Service*' .

12. The original subsection 1.02.06 shall be deleted.

IN PART II:

13. A new section shall be inserted as follows:

2.00 Establishment of Police Bodies

14. The original section 2.01 shall be amended as follows:

- a) the words '*Police Force*' shall be replaced by '*Police Service*';
- b) the words '*Chief Constable*' shall be replaced by '*Chief of Police*';
- c) the words '*Blood Tribal Police Force*' shall be replaced by '*Blood Tribe Police Service*'.

15. The original section 2.02 shall be amended as follows:

- a) the phrase '*responsible for the control and management of the Police Force and all matters connected therewith*' shall be deleted;
- b) the words '*Blood Indian Police Commission*' shall be replaced by '*Blood Tribe Police Commission*'.

16. The original section 2.03 shall be amended as follows:

- a) the word '*Tribe*' shall be inserted after the word '*Blood*';
 - b) the phrase '*with the duties and procedures as set out herein and in the "Agreement"*' shall be deleted.
17. The original section 2.04 shall be amended as follows:
- a) the words '*Chief Constable*' shall be replaced by '*Chief of Police*';
 - b) the words '*Police Force*' shall be replaced by '*Police Service*';
 - c) the phrase '*responsible for all aspects of policing operations as are delegated to him by the Commission save those attached to the office of Director*' shall be deleted.

IN PART III:

18. The heading '*The Blood Indian Police Commission*' will be numbered as section 3.00 and '*Indian*' shall be replaced by '*Tribe*'.

19. The original sections 3.01 to 3.22.04 shall be deleted and replaced by the following:

3.01 The members of the Commission shall be appointed by Council in the following manner:

3.01.01 The Commission shall have not fewer than four members and not more than six members appointed by Council;

3.01.02 Three members of the Blood Tribe not being Blood Tribe Councillors shall be appointed for terms of three, two and one years respectively and thereafter shall be appointed for three year terms on a staggered basis;

3.01.03 One Blood Tribe Councillor appointed during his term of office for a period as decided by the Blood Tribe Council;

3.01.04 The number of non-Council members of the Commission may be increased from three up to five members. The term of the additional members shall also be three years on a staggered basis so that not more than two non-Council members are appointed for a three year term in any given year.

3.02 Members of the Commission shall elect from among themselves a

chairperson, a vice-chairperson and other such officers as they consider necessary. The chairperson shall not be a member or employee of the Police Service or a member of Council. If such member be elected a Chief or Councillor, he shall be deemed to have thereupon resigned his position of chairperson and the members of the Commission shall elect from among themselves another person as chairperson.

3.03 The Chairperson shall act as chairperson at all meetings of the said Commission but, in the event of his absence or inability to act at a meeting, the Vice-Chairperson shall act as chairperson at any such meeting.

3.04 Where any member of the Commission is by reason of illness or any other cause incapable of performing his duties, the Chairperson may declare his position as Commissioner to be vacant and the Council may appoint a person to act in his place and stead for such period and upon such terms and conditions as the Council may deem advisable.

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

3.06 The appointment of a member to the Commission may be revoked, at the request of the Commission, by majority vote of the Council for cause, including if the Commission member:

3.06.01 is absent from three consecutive meetings of the Commission unless the absence is authorized by the Chairperson or by resolution of the Commission;

3.06.02 discloses Commission business without the consent of the Chairperson or by resolution of the Commission;

3.06.03 acts in a manner that is detrimental to the operation of the Commission or demonstrates unethical behaviour;

3.06.04 is no longer eligible to be a member of the Commission.

3.07 All persons appointed to the Commission, before entering upon the duties of the office, shall take the Oath of Office provided in Appendix A to this Bylaw and may participate in a Blood Tribe ceremony confirming the responsibility of the Office to the Blood Tribe.

3.08 Each member appointed to the Commission may discharge the duties and has all the rights and powers of a member of the Commission including a vote on

all resolutions. The Chairperson shall have a vote in all resolutions and, in the event of a tied vote, shall cast a second vote to break the tie.

3.09 Any document, direction or decision of the Commission shall be presumed to be prima facie authentic if certified a true copy by the Chairperson or Vice Chairperson of the Commission.

3.10 The Commission shall keep a record or minute book of all of its meetings and all proceedings conducted before the Commission or any member thereof, and shall ensure that all orders and recommendations made by the Commission are properly authenticated and filed.

3.11 A majority of voting members of the Commission present at any duly convened meeting thereof may exercise any and all powers of the Commission pursuant to this Bylaw.

3.12 The Commission shall be responsible for the control and management of the Police Service and all matters connected therewith and shall have the powers and duties specifically assigned to it by this Bylaw including, but not so as to limit the generality of the foregoing, the following powers:

3.12.01 in general, to examine and decide upon policy matters of concern to the Blood Tribe Police Service;

3.12.02 to establish, man, equip, direct, assess, superintend and oversee all aspects of the operations of the Police Service;

3.12.03 to prescribe the ranks and grades of the Police Service members and the maximum numbers of members to be appointed to each rank of the Police Service;

3.12.04 to discharge the responsibilities and duties assigned to the Commission under any agreement on policing entered into between the Blood Tribe and the federal, provincial, or municipal governments;

3.12.05 to establish and enforce policies:

a) governing the operation of the Commission,

b) governing the operation of the Police Service,

c) governing the appointment, employment, qualifications, training, duties, discipline and performance of duty of members and

auxiliary members of the Police Service,

- d) governing the investigations of members and auxiliary members of the Police Service,*
- e) prescribing colour and style of uniforms, accoutrements and insignia for members and auxiliary members of the Police Service,*
- f) governing clothing and equipment furnished to or used by the members and auxiliary members of the Police Service,*
- g) governing the possession, use, and reporting of use of firearms with respect to members and auxiliary members of the Police Service,*
- h) governing the employment of civilian employees of the Police Service,*
- i) governing the providing of and release of information concerning Commission or Police Service policies, and*
- j) prescribing the information and statistical data to be kept and reported by the Police Service.*

3.12.05 to establish and enforce the terms of employment of all members of the Police Service;

3.12.06 to establish a central information, research, assessment and statistics service and to operate and utilize same in co-operation with surrounding police forces, the Council and the Police Service;

3.12.07 to investigate or direct the investigations of complaints against the Chief of Police or the Police Service as set out in this Bylaw;

3.12.08 to conduct inquiries into any matter respecting the Police Service;

3.12.09 to make recommendations to Council with respect to amendments to this Bylaw and to any other enactments dealing with law enforcement;

3.12.10 to establish advisory committees to advise the Commission on matters concerning youth, Blood culture, intergovernmental relations, financial management and any other matter related to policing, and to appoint Blood Tribe members or non-members to

these committees as required.

3.13 The Commission shall provide a written report to Council annually.

3.14 The Commission may obtain any information from the Police Service it considers necessary to enable it to assess the efficiency and financial requirements of the Police Service.

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

3.16 The Commission shall not itself pay the expenses of the Police Service but shall be responsible for its constitution, establishment and maintenance.

3.17 Except when communicating a decision of the Commission to the Chief of Police, no member of the Commission or Council shall issue or purport to issue any order, direction or instruction to any member of the Police Service relative to his duties as a member of the Service.

3.18 The 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.

3.19 The Commission may direct that the whole or any portion of a hearing, investigation or inquiry under this Bylaw be held in camera where the hearing, investigation or inquiry could affect an ongoing Police Service investigation or disclose confidential information.

3.20 The Commission and each member thereof shall establish and maintain impartiality with respect to all policing matters. All matters brought to the Commission in relation to policing must be given courteous and careful consideration. Whenever possible, the Blood Tribe members will be informed of the action which it may take in respect of their concerns.

IN PART IV:

20. In Part IV, the heading 'Director' and the original sections 4.01 to 4.02 shall be deleted.

21. Part V shall become Part IV.

22. The heading shall be numbered 4.00 and
- a) the word '*Tribal*' shall be replaced by '*Tribe*';
 - b) the word '*Force*' shall be replaced by '*Service*'.
23. The original section 5.01 shall be renumbered 4.01 and shall be amended as follows:

4.01 The members of the Police Service shall be appointed in the following manner:

4.01.01 the Commission shall appoint the Chief of Police;

4.01.02 the Commission may appoint other members holding such ranks, offices and positions as are prescribed by the Commission.

24. The original section 5.02 shall be deleted and replaced with section 4.02 as follows:

4.02 The Commission may establish a probationary period of service for a person who is:

4.02.01 appointed as a member of the Police Service;

4.02.02 appointed or promoted to a position of higher rank within the Police Service.

25. A new section 4.03 shall read:

4.03 The Chief of Police is responsible for and shall issue orders and make directives in accordance with the policies and procedures established by the Commission for:

4.03.01 the preservation and maintenance of the public peace and the prevention of crime within the Blood community,

4.03.02 the maintenance of ethics and discipline and the performance of duty within the Police Service, subject to the provisions of this Bylaw,

4.03.03 the day to day administration of the Police Service,

4.03.04 the application of professional police procedures, and

4.03.05 the enforcement of policies made by the Commission with respect

to the Police Service.

26. A new section 4.04 shall be inserted as follows:

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

4.04.01 the operation of the Police Service;

4.04.02 the manner in which he carries out his responsibilities;

4.04.03 the administration of the finances of the Police Service;

4.04.04 the reporting to the Commission of any information concerning the activities of the Police Service that the Commission may request, provided that any information relating to ongoing investigations is received in confidence; and

4.04.05 the reporting to the Commission of any complaint made against the Police Service or its members and the manner in which the complaint is resolved.

27. The original section 5.03 shall be renumbered section 4.05, and

a) the words "*Chief Constable*" shall be replaced by '*Chief of Police*',

b) the word '*Force*' shall be replaced by "*Service*"; and

c) the words "*as such appointment is described in the Agreement*" shall be deleted.

28. The original section 5.04 will become section 4.06 and the word '*Force*' shall become '*Service*'.

29. The original section 5.05 will be renumbered 4.07 with subsections renumbered accordingly and shall be amended as follows:

a) the word '*Force*' shall be replaced by '*Service*;'

b) in the original subsection 5.05.02 now subsection 4.07.02, the words '*as Tribal Police officers*' shall be replaced by '*a Blood Tribe Police Service Officer*';

c) the original subsection 5.05.03 section shall be deleted;

d) the original subsection 5.05.04 shall be renumbered subsection 4.07.03 and amended as follows:

- i) after the word '*position*', the word '*and*' shall be inserted;
 - ii) the phrase '*Other standards may be required from time to time by the Police Commission.*' shall be deleted.
- e) a new section 4.07.04 shall be inserted as follows:
- 4.07.04** *meets such other standards as may be required from time to time by the Police Commission.*
30. A new section 4.08 and shall be inserted as follows:
- 4.08** *It is preferable that a member of the Police Service has the ability to speak and understand the Blackfoot language sufficiently so as to enable him to effectively carry out his duties as a Blood Tribe Police Service officer.*
31. Section 5.06 will become section 4.09 and shall be amended as follows:
- 4.09** *Every member of the Police Service shall, before entering upon the duties of his office, take the Oath of Allegiance and Office provided in Appendix B to this Bylaw and may participate in a Blood Tribe ceremony confirming the responsibility of the Office to the Blood Tribe.*
32. The original section 5.07 shall be deleted.
33. The original section 5.08 shall be renumbered section 4.10 with subsections renumbered accordingly and shall be amended as follows:
- a) in the original subsection 5.08 now subsection 4.10:
 - i) the word '*Force*' shall be replaced by '*Service*';
 - ii) the word '*orders*' shall be replaced by '*policies*';
 - iii) the words '*and pursuant to this Agreement*' shall be deleted;
 - b) in the original subsection 5.08.02 now subsection 4.10.02 the word '*act*' shall be replaced by '*law*';
 - c) in the original subsection 5.08.03, now subsection 4.10.03, the word '*and*' at the end of the subsection shall be deleted;
 - d) a new subsection shall be inserted after the original section 5.08.03 now 4.10.03 as follows:

4.10.04 to uphold the responsibility of the Blood Tribe confirmed by Treaty No. 7 to maintain peace and good order amongst themselves and between themselves and others;

- e) the original section 5.08.04 will become section 4.10.05 and shall be amended as follows:

4.10.05 to act in accordance with the Code of Ethics and Conduct provided in Appendix D to this Bylaw;

- f) a new subsection shall be numbered as section 4.10.06 and inserted as follows:

4.10.06 To enforce the Bylaws of Council; and

- g) the original subsection 5.08.05 shall be renumbered subsection 4.10.07.

34. The original section 5.09 shall be deleted.

35. The original section 5.10 will become section 4.11 and shall be amended as follows:

4.11 The members of the Police Service shall have the jurisdiction as set forth in this Bylaw and may hold other appointments including an appointment pursuant to the Police Act of Alberta (Chapter 12.01, 1988) as amended from time to time.

36. The original section 5.11 will become section 4.12 and shall be amended as follows:

4.12 The Commission may retain and empower reserve police officers in support of the regular police officers of the Police Service and may make policies and procedures for the appointment of such auxiliaries and reserve officers and for defining the limitations of their powers, duties and functions as peace officers and members of the Blood Tribe Police Service for such limited purposes as are assigned to them.

37. A new section 4.13 shall read:

4.13 A member of the Police Service may be dismissed:

4.13.01 by the Chief of Police for disciplinary reasons pursuant to this Bylaw and the disciplinary procedures established by the Commission;

4.13.02 by the Commission for

- a) cause; or*

b) *any other reason on proper notice being given.*

38. The original section 5.12 shall be deleted.

IN PART V:

39. A new Part V shall be inserted as follows:

5.00 Complaints Against the Police Service or the Chief of Police

5.01 *Complaints respecting the Police Service or the conduct or performance of duty of the Chief of Police shall be directed to the Commission.*

5.02 *Complaints shall be in writing and signed by the complainant or if made verbally, the chairperson of the Commission shall cause the complaints to be recorded in writing and the complainant shall sign the recorded complaint.*

5.03 *The Chairperson of the Commission shall cause each complaint to be investigated.*

5.04 *The Commission may initiate an investigation of the Chief of Police if there is reason to believe that the Chief of Police has breached his duties as set out in this Bylaw.*

5.05 *The Chief of Police shall, when requested to do so, supply the Commission with all statements and correspondence sent and received with respect to the complaint.*

5.06 *The Commission may, pending completion of the investigation of the Chief of Police:*

5.06.01 *relieve the Chief of Police of his duties and reassign him to other duties;*

5.06.02 *relieve him from duty with pay; or*

5.06.03 *relieve him from duty without pay.*

5.07 *The Chief of Police shall have the right in a disciplinary matter to:*

5.07.01 *hear the charge against him;*

5.07.02 *have the opportunity to make an answer to the charge.*

5.08 *Where the Commission deems it appropriate, the disciplinary matter may be dealt with informally without holding a hearing.*

5.09 *If the Commission finds that the Chief of Police has breached his duties as Chief of Police, the Commission shall impose such disciplinary measures it considers appropriate, including:*

5.09.01 *a verbal or written warning,*

5.09.02 *a suspension with or without pay,*

5.09.03 *a demotion in rank, or*

5.09.04 *dismissal.*

5.10 *After the investigation is complete, the Chairperson shall:*

5.10.01 *inform the complainant and the Chief of Police, if the investigation concerns him, in writing as to whether any breach of duty was found to have occurred and, if so, as to the action to be taken;*

5.10.02 *in all cases where all or any portion of a complaint has been found not to be justified, inform the complainant of the right to appeal the finding to the Blood Tribe Police Appeals Committee.*

5.10.03 *in all cases where the Commission finds that there has been a breach of duty on the part of the Chief of Police, inform the Chief of Police of the right to appeal the finding and/or the penalty imposed to the Blood Tribe Police Appeals Committee.*

5.11 *When the Commission is of the opinion that the conduct of the Chief of Police giving rise to the investigation may constitute an offence under an Act of the Parliament of Canada, the Legislature of Alberta, or the Blood Tribe bylaws, it shall forthwith inform the Minister of Justice and Attorney General of Alberta.*

5.12 *The Commission may make arrangements for a senior officer of another police force to carry out an investigation concerning the Chief of Police.*

IN PART VI:

40. The original heading 'Discipline' shall be numbered as section 6.00 and amended as follows:

6.00 Discipline of Members of the Police Service

41. Sections 6.01 to 6.03 shall be deleted and replaced by:

6.01 Complaints respecting the conduct or performance of duty of any member or members of the Police Service other than the Chief of Police shall be directed to the Chief of Police who shall advise the Commission of all complaints, results of investigations of the complaints, and the actions taken.

6.02 Complaints shall be in writing and signed by the complainant or if made verbally, they shall be recorded in writing by the Chief of Police and signed by the complainant.

6.03 The Chief of Police shall cause each complaint to be investigated.

6.04 The Chief of Police may initiate an investigation of a member of the Police Service if there is reason to believe that the member has breached his duties as set out in this Bylaw.

6.05 The Chief of Police may, pending completion of the investigation of a member of the Police Service:

6.05.01 reassign him to other duties;

6.05.02 relieve him from duty with pay; or

6.05.03 relieve him from duty without pay subject to confirmation of the Commission within 30 days.

6.06 The member shall have the right in a disciplinary matter to:

6.06.01 hear the charge against him;

6.06.02 have the opportunity to make an answer to the charge.

6.07 Where the Chief of Police deems it appropriate, the disciplinary matter may be dealt with informally without holding a hearing.

6.08 Where the Blood Tribe Police Commission deems appropriate, it may adopt and apply, in part or in total, the disciplinary procedures provided for in the provincial Police Act and Regulations, mutatis mutandis, to the Blood Tribe Police Service.

6.09 If the Chief of Police finds that a member of the Police Service has

breached his duties as a police officer, or any established policy or regulation, or any employment contract, the Chief of Police shall impose such disciplinary measures as are appropriate, including:

- 6.09.01 a verbal or written warning,*
- 6.09.02 a reassignment of duties,*
- 6.09.03 a suspension with or without pay,*
- 6.09.04 a demotion in rank, or*
- 6.09.05 dismissal.*

6.10 The Chief of Police shall, after the investigation is complete:

- 6.10.01 inform the complainant in writing and the members of the Police Service involved as to whether he has found that a breach of duty has occurred and, if he has, as to the disciplinary action to be taken;*
- 6.10.02 in all cases where he has found all or any portion of a complaint not to be justified, inform the complainant of the right to appeal the finding to the Blood Tribe Police Appeals Committee;*
- 6.10.03 in all cases where he has found that a breach of duty has occurred, inform the members of the Police Service involved of the right to appeal the finding and/or the penalty imposed to the Blood Tribe Police Appeals Committee.*

6.11 When the Chief of Police is of the opinion that the conduct of the member of the Police Service who is involved in the investigation may constitute an offence under an Act of the Parliament of Canada or the Legislature of Alberta, he shall forthwith inform the Minister of Justice and Attorney General of Alberta.

6.12 The Chief of Police, with the approval of the Commission, may make arrangements for a member of another police force to carry out an investigation concerning a member of the Blood Tribe Police Service.

6.13 The Chief of Police shall be the supervisor of civilian employees of the Blood Tribe Police Force who shall be employees of the Blood Tribe Police Commission and not employees of the Council. Hiring and firing shall be done by the Chief of Police and employee personnel policies shall become effective upon approval of the Commission.

IN PART VII:

42. Part VII shall be entitled '*Blood Tribe Police Appeals Committee*'.

43. New sections 7.00 to 7.03 shall be inserted as follows:

7.00 *Blood Tribe Police Appeals Committee*

7.01 Council shall appoint the Blood Tribe Police Appeals Committee consisting of three members from a list provided by the Commission of persons knowledgeable about police matters and about the Blood Tribe and the term of such appointments shall be two years. Such members shall be neither members of Council or the Commission.

7.02 The members of the Blood Tribe Police Appeals Committee shall select from among themselves a Chairperson.

7.03 All persons appointed to the Blood Tribe Police Appeals Committee, before entering upon the duties of the office, shall take the Oath of Office provided in Appendix C to this Bylaw and may participate in a Blood Tribe ceremony confirming the responsibility of the Office to the Blood Tribe.

44. The original section 6.04 shall be renumbered section 7.04 and shall be amended as follows:

7.04 A complainant may, within 30 days of being advised by the Chief of Police or the Commission of a finding that all or any portion of his complaint was not justified, appeal to the Blood Tribe Police Appeals Committee by filing therewith a notice of appeal setting forth the grounds upon which the appeal is based.

45. The original section 6.05 shall be renumbered section 7.05 and amended as follows:

7.05 A member of the Police Service, including the Chief of Police, may, within 30 days of being advised by the Chief of Police or the Commission of a decision in respect of an investigation concerning him, appeal to the Blood Tribe Police Appeals Committee by filing therewith a notice of appeal setting forth the grounds upon which the appeal is based.

46. The original section 6.06 shall be numbered section 7.06 and the words '*the Chairman of the Blood Police Appeals Committee*' shall be replaced by '*the Chairperson of the Blood Tribe Police Appeals Committee*'.

47. The original sections 6.07 and 6.08 shall be deleted.

48. A new section 7.07 shall be inserted as follows:

7.07 The member of the Police Service or the Chief of Police who is the subject of the appeal and the complainant who first filed a complaint shall be entitled:

7.07.01 to notice of the appeal;

7.07.02 to attend at any hearings of the appeal;

7.07.03 to be represented by another person;

7.07.04 to make representations to the Blood Tribe Police Appeals Committee.

49. Section 6.09 shall be renumbered 7.08 and shall be amended as follows:

7.08 The Chief of Police and the Chairman of the Commission shall, when requested to do so, supply the Blood Police Appeals Committee with all investigation reports, statements and correspondence sent and received with respect to an investigation.

50. The original section 6.10 shall be renumbered section 7.09.

51. The original section 6.11 shall be renumbered section 7.10 and shall be amended as follows:

7.10 In determining an appeal under this Part, the Blood Tribe Police 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.

52. The original section 6.12 shall be renumbered 7.11 with the subsections renumbered accordingly and shall be amended as follows:

a) in the original subsection 6.12 now subsection 7.11:

i) the words '*under Article 6.04 or 6.05*' shall be replaced by '*under this Part*';

ii) the words '*Blood Police Appeals Committee*' shall be replaced by '*Blood Tribe Police Appeals Committee*';

iii) after the word '*may*', the words '*providing reasons therefor*' shall be added;

b) subsection 7.11.05 shall be amended as follows:

refer the matter back to the Chief of Police if it concerns a member of the Police Service or back to the Commission if it concerns the Police Service in general or the Chief of Police, or

c) in subsection 7.11.06 'regulations or rules made under the authority of' shall be deleted.

53. The original sections 6.13 to 6.17.02 shall be deleted.

54. New sections 7.12 to 7.13 shall be inserted as follows:

7.12 The Blood Tribe Police Appeals Committee shall inform in writing the following persons of its decision:

7.12.01 the person who filed the notice of appeal;

7.12.02 the party who rendered the decision appealed from;

7.12.03 the Minister of Justice and Attorney General if the appeal involves a member of the Police Service who was appointed as a peace officer by the Minister of Justice and Attorney General.

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

IN PART VIII:

55. Part VII shall become Part VIII.

56. A new section heading shall be inserted as follows:

8.00 General

57. Section 7.01 shall be renumbered section 8.01 and shall be amended as follows:

a) the words 'Neither any member' shall be replaced by 'no member';

b) 'the words 'the Blood Police Appeals Committee, the Commission, Band Council, Police Force, or the Director, or the Chief Constable, shall be replaced by 'the Commission or the Blood Tribe Police Appeals Committee';

- c) the words '*held personally or individually*' shall be inserted after '*shall be*';
- d) the words '*under this Bylaw where such actions are taken in good faith and without malice*' shall be inserted after the words '*duty or requirement*'.

58. New sections 8.02 to 8.06 shall be inserted as follows:

8.02 The 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.

8.03 The Council shall take such measures as necessary to cause the Police Service budget as recommended by the 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.

8.04 The Commission is solely responsible for allocating the funds as acquired by Council for the Police Service.

8.05 The Council may, on the recommendation of the 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 Reserve.

8.06 The Commission shall appoint and direct such civilian officials, clerks and employees as are necessary for carrying out the functions and duties of the Commission.

59. The original section 7.02 shall be renumbered section 8.07 and amended as follows:

8.07 This Bylaw may be amended or altered from time to time by Council resolution and all such amendments or alterations shall be adhered to and have the same force and effect as if they had been originally embodied in and formed part of this Bylaw.

60. The original section 7.03 shall be renumbered 8.08 and

- a) '*Blood Police Appeals Committee*' shall be replaced by '*Blood Tribe Police Appeals Committee*'.
- b) '*Director*' shall be deleted.

61. The original sections 7.04 and 7.05 shall be renumbered 8.09 and 8.10 respectively.
62. The original section 7.06 shall be deleted.

IN THE CLOSING RECITAL:

63. The original closing recital shall be deleted and replaced by the following with the date of the amending bylaw duly inscribed:

IN WITNESS WHEREOF, and agreeing in principle and content with the above provisions of this Bylaw, the Council of the Blood Tribe pass this Bylaw and have hereunto set their hands and seals firstly on the 18th day of April, 1980 and secondly by amendment on the ____ day of _____, 1994.

IN APPENDIX A:

64. An Appendix A in the following form is hereby appended as part of the bylaw:

APPENDIX A

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 Blood Tribe Police Commission and will not, except in the discharge of my duties, disclose to any person any matters or evidence brought before me as a member of the Blood Tribe Police Commission, so help me God (or: this affirmation is binding upon my conscience).

Sworn (Affirmed) at)

_____)
_____)
in the Province of)
Alberta, this _____)
day of _____ A.D. 19__)

Signature

*A Commissioner for Oaths in
and for the Province of Alberta*

IN APPENDIX B:

65. An Appendix B in the following form is hereby appended as part of the bylaw:

APPENDIX B

OATH OF ALLEGIANCE AND OFFICE

(Police Officer)

I, _____, swear (or: solemnly affirm) that I will be faithful and bear true allegiance to the Blood Tribe and Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law, in the office of a police officer for the Blood Tribe in accordance with Treaty 7 between the aforesaid parties and that I will diligently, faithfully and to the best of my ability execute according to law the office of a police officer and will not except in the discharge of my duties, disclose to any person any matter of 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) at)

_____)
in the Province of)
Alberta, this _____)
day of ____ A.D. 19__.

_____) Signature

A Commissioner for Oaths in
and for the Province of Alberta

IN APPENDIX C:

66. An Appendix C in the following form is hereby appended as part of the bylaw:

APPENDIX C

OATH OF OFFICE

(Police Appeals Committee 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 Blood Tribe Police Appeals Committee and will not, except in the discharge of my duties, disclose to any person any matters or evidence brought before me as a member of the Blood Tribe Police Appeals Committee, so help me God (or: this affirmation is binding upon my conscience).

Sworn (Affirmed) at)
)
)
 _____)
 in the Province of)
 Alberta, this _____)
 day of _____ A.D. 19__ .)

Signature

A Commissioner for Oaths in
and for the Province of Alberta

IN APPENDIX D:

67. An Appendix D in the following form is hereby appended as part of the bylaw:

APPENDIX D

CODE OF ETHICS AND CONDUCT

- 1.0 *A member of the Blood Tribe Police Service 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 member 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 member'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 member'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 peace 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 Blood Tribal 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 peace officer or a 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 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.*
- 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 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 member, 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;

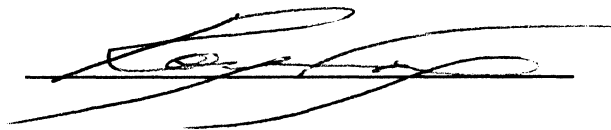
2.9.2 applying inappropriate or excessive force in circumstances where force is used.

62. The Blood Tribal Police Bylaw and each clause contained therein continues in effect without interruption subject only to such amendments enacted herein by Council as come into effect with the passage of this amending bylaw.

IN WITNESS WHEREOF, the Council of the Blood Tribe pass this amending bylaw and have hereunto set their hands and seals this 6th day of June, 1994.

BLOOD TRIBE COUNCIL

CHIEF



COUNCILLORS

Len Blodgett

D. J. Liden

Winston Day Chief

Steve J. [unclear]

Mr. [unclear]

Lucia [unclear]

[unclear]
