

BLOOD TRIBAL POLICE BYLAW

50R/80-348

WHEREAS the Chief and Council of the Blood Band of Indians, acting pursuant to their authority under Treaty Number 7 and the Indian Act and, in particular, Section 81, subsections (b), (d), (e), (n) and (p) thereof, wish to pass this Bylaw in order to fulfil their duty and obligation to provide for the maintenance of peace, order and security for the members of the Blood Indian Band and the general public, and to promote and require the observance of law and order within the Blood Indian Reserve and surrounding areas; and

WHEREAS the Chief and Council of the Blood Band of Indians, being cognizant of the particular and special needs of the Indian people of the Blood Indian Reserve, wish to entrust such duty subject to this Bylaw and all applicable laws to the hereinafter described Blood Indian Police Commission; and

WHEREAS the said Commission and Council are fully aware of the customs and traditions of the Blood Indian people and are dedicated to their maintenance and preservation while carrying out the aforesaid paramount duty and obligation; and

WHEREAS the Commission, through the Blood Tribal Police Force hereinafter constituted and established, will be assisted in the fair and efficient fulfilment of such duty and obligation by reason of the knowledge and respect which the members of the said Police Force have

for the aforesaid customs and traditions and by reason of the ability of members of the aforesaid Police Force to communicate with the Indian people in their own language; and

WHEREAS the Council, the Department of the Solicitor General for the Government of the Province of Alberta and the Department of Indian and Northern Affairs for the Government of Canada have entered into a letter agreement entitled "Alberta Tribal Police Project Blood Indian Reserve" hereinafter called the "Agreement";

NOW THEREFORE, this Bylaw witnesses as follows:

PART I

1.01 This Bylaw may be cited as the "Blood Tribal Police Bylaw".

1.02 In this Bylaw:

1.02.01 "Chief Constable" means the constable appointed as "Chief Constable" by the Commission;

1.02.02 "Commission" means the Blood Indian Police Commission established and constituted under this Bylaw;

1.02.03 "Council" means the Chief and Band Council of the Blood Band of Indians as established and constituted under the Indian Act;

1.02.04 "Indian Act" means the Indian Act Chapter I-6 R.S.C. 1970, as amended;

1.02.05 "Police Force" means the Blood Tribal Police Force established and constituted under this Bylaw;

1.02.06 "Director" means the person appointed as Director of Protection Services;

1.02.07 "Reserve" means the Blood Indian Reserves numbers 148 and 148A in the Province of Alberta.

PART II

2.01 There is hereby established and constituted a Police Force which shall consist of the Chief Constable, officers and other members of the Police Force and which shall be known as the Blood Tribal Police Force.

2.02 There is hereby established and constituted a Police Commission responsible for the control and management of the Police Force and all matters connected therewith to be known as the Blood Indian Police Commission.

2.03 There is hereby established and constituted the Blood Police Appeals Committee with the duties and procedures as set out herein and in the "Agreement".

2.04 There is hereby established and constituted the office of Chief Constable responsible for all aspects of policing operations as are delegated to him by the Commission save those attached to the office of Director. The Chief Constable is a member of the Police Force as hereinbefore defined.

PART III

The Blood Indian Police Commission

3.01 The members of the Commission shall be appointed by Council as follows:

3.01.01 Three members at large, not being Band Councillors appointed for terms of three, two and one years respectively and thereafter being appointed for three year terms. One of such members shall be the Chairman. Such Chairman shall not be involved in any official capacity with the Police Force or Band Council. If such member be elected a Band Councillor or Chief of the Band, he shall be deemed to have thereupon resigned his Police Commission appointment and Band Council shall appoint another person to complete the remainder of such person's term of office; and

3.01.02 One Band Councillor appointed for his term of office as Band Councillor; and

3.01.03 One legal representative of the Band Council at the pleasure of the Band Council; and

3.01.04 Three non-voting members, being:

3.01.05 The senior member of K Division, R.C.M.P., or designate, responsible for native policing co-ordination; and

3.01.06 The Director of Law Enforcement or other representative of the Alberta Solicitor General; and

3.01.7 One representative of the Department of Indian and Northern Affairs;

3.02 The Chairman of the Police Commission, the legal representative and the 3 non-voting members shall constitute the "Blood Police Appeals Committee".

3.03 All persons appointed to the Commission or to the "Blood Police Appeals Committee" shall take the official oath prescribed by The Oaths of Office Act (being Chapter 266 of the Revised Statutes of Alberta, 1970)

3.04 Members of the Commission shall elect from among themselves a chairman, vice-chairman, secretary and other such

officers as they consider necessary. The chairman shall act as chairman at all meetings of the said Commission but, in the event of his absence or inability to act, the vice-chairman shall act as chairman of any such meeting.

3.05 Where any member of the Commission is absent from Alberta or, in the opinion of the Chairman, is by reason of illness or any other cause incapable of performing his duties, the Chairman may by directive appoint a person to act in the place and stead of the absent or incapacitated member for such period and upon such terms and conditions as may be prescribed by the Commission.

3.06 During the period for which he is appointed, the person appointed under Article 3 may discharge the duties and has all the rights and powers of a member of the Commission.

3.07 Each voting member of the Commission shall have a vote in all questions and the Chairman shall have a second or casting vote in the event of a tie.

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

3.09 The Chairman shall appoint a secretary to the Commission and the person so appointed shall:

3.09.01 keep a record or minute book of all proceedings conducted before the Commission or any member thereof,

3.09.02 have the custody and care of the records and documents of the Commission, and

3.09.03 ensure that all orders and recommendations made by the Commission are drawn pursuant to the directions of the Commission, properly authenticated and filed.

3.10 A member of the Commission may act as secretary in the absence of the secretary.

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 in the fulfilment of its duty and obligation as aforesaid have the responsibility for policing and maintenance of law and order on the Reserves, and shall have the powers and duties specifically assigned to it by this Bylaw and the Agreement including, but not so as to limit the generality of the foregoing, the following powers:

3.12.01 In general, to bring together policy matters of concern to the local community and the police;

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

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

3.12.04 To establish and enforce policies with respect to the aforesaid matters and the appointment and recruitment of members and the promotion of members to higher ranks;

3.12.05 To establish and enforce the terms of employment of all officers and members of the Police Force.

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 Force.

3.12.07 To investigate or direct and oversee the investigations of complaints against members of the Police Force as set out in the Agreement and this Bylaw;

3.12.08 To delegate such of the above powers in whatever manner and on whatever terms and conditions are felt necessary to the Director and/or Chief Constable;

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

3.13 The Commission shall be required to render a written report to Council annually.

3.14 The Council may, on the recommendation of the Commission, enter into any arrangements or agreements with any Government of any Province or the Government of Canada respecting policing and law enforcement matters which concern the Reserve.

3.15 The Commission may obtain any information it considers necessary to enable it to assess the efficiency and financial requirements of its Police Force from any source including the Director and Chief Constable.

3.16 Although the Commission shall be responsible for the terms of employment of the Chief Constable, officers and other members of the Police Force, 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.

3.17 The Police Commission shall not itself pay the expenses of the Police Force but shall be responsible for its constitution,

establishment and maintenance. The Band Council shall meet all expenses of operation and capital requirements of the police subject to normal budgetary constraints but shall have no direct or indirect involvement in direction of the activities of the Police Force whatsoever.

3.18 Every member of the Police Force as appointed, is, from and after the passing of this Bylaw, subject to the jurisdiction of the Commission and shall obey the lawful directions of the commission.

3.19 Notwithstanding Article 3.18 above, and except when communicating a decision of the Commission to the Chief Constable, no member of the Commission or Council shall issue or purport to issue any order, direction or instruction to any member of the Police Force relative to his duties as a member of the force.

3.20 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 Force or any of its members and in the course of its investigations may direct as follows:

3.20.01 Where it is in the public interest to do so, that the whole or any portion of a hearing, investigation or inquiry under this Bylaw be held in private.

3.20.02 That a notice to enforce the attendance of a witness before any proceeding of the Commission may be issued by the chairman, which notice shall state the time and place at which the witness is to attend.

3.20.03 That a witness be examined on oath on all matters relevant to the proceeding and not be excused from answering any question on the ground that the answer

(i) might tend to criminate him, or

(ii) might subject him to punishment under this Bylaw or any amendments thereto, or

(iii) might tend to establish his liability

(1) to a civil proceeding at the instance of the Crown or of any other person, or

(2) to prosecution under any statute,

but that the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

3.20.04 That a Witness

(i) who fails to attend before the Commission, or

(ii) who refuses to be sworn or to answer any question allowed by the Commission,

be liable to attachment upon application to a judge of the Court of Queen's Bench of Alberta.

3.21 The Police Commission and each member thereof, and the members of the Police Force 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 public will be informed of the action which they may take in respect to their concerns.

3.22 The Blood Police Appeals Committee, in the exercise of its duties, investigations and responsibilities as set out in this Bylaw and the Agreement, may conduct public meetings and in its proceedings may direct as follows:

3.22.01 Where it is in the public interest to do so that the whole or any portion of a hearing, investigation or inquiry under this Bylaw be held in private.

3.22.02 That a notice to enforce the attendance of a witness before any proceeding of the Blood Police Appeals Committee be issued by the chairman, which notice shall state the time and place at which the witness is to attend.

3.22.03 That a witness be examined on oath on all matters relevant to the proceeding and not be excused from answering any question on the ground that the answer

(i) might tend to criminate him, or

(ii) might subject him to punishment under this Bylaw or any amendment thereto, or

(iii) might tend to establish his liability

(1) to a civil proceeding at the instance of the Crown or of any other person, or

(2) to prosecution under any statute,

but that the answer so given, if it is such as tends to criminate him or to establish his liability to a civil proceeding, shall not be used or received against him in any civil proceedings or in any proceedings under any other Act of Alberta.

3.22.04 That a Witness

(i) who fails to attend before the Blood Police Appeals Committee, or

(ii) who refuses to be sworn or to answer any question allowed by the Blood Police Appeals Committee,

be liable to attachment upon application to a judge of the Court of Queen's Bench of Alberta.

PART IV

DIRECTOR

4.01 The Council do hereby appoint and shall continue the office of Director who shall be responsible for the matters hereinafter set forth.

4.01.01 On behalf of Council, for the co-ordination, planning and implementation of monetary and fiscal policies with respect to the Police Force; and

4.01.02 Assisting the Commission and Chief Constable as such assistance is required by the Commission or the Chief Constable;

4.01.03 All subject to the limitation that the Director shall not be directly involved in policing affairs delegated by the Commission to the Chief Constable.

4.02 The Director shall provide the Commission with such information as it requires in order to fulfil its duties, and shall attend all meetings of the Commission.

PART V

The Blood Tribal Police Force

5.01 The members of the Police Force shall consist of:

5.01.01 The Chief Constable;

5.01.02 Other members holding such ranks, offices and positions as are prescribed by the Commission.

5.02 The Commission may authorize the Director or the Chief Constable to carry out any of the powers pursuant to Article 3.12 through and including Article 3.12.09, of this Bylaw as set forth in directives to be issued by the Police Commission from time to time.

5.03 The Chief Constable and all members of the Police Force are hereby deemed to be peace officers for all purposes pursuant to the laws of Canada and Alberta and the Bylaws of the Council, as such appointment is described in the Agreement.

5.04 Any certificate purporting to be issued by or under authority of the Commission and stating that the person to whom it is issued is a member of the Police Force is evidence in all courts and in all proceedings of the facts stated therein.

5.05 A person is eligible to become a member of the Police Force, on appointment by the Commission, provided he

5.05.01 has completed Alberta Grade Ten (10) requirements or has equivalent standing,

5.05.02 has the ability to read and write English to the degree necessary to effectively accomplish his duties as Tribal Police officers,

5.05.03 has the ability to speak and understand the Blackfoot language sufficiently so as to enable him to effectively carry out his duties as tribal policeman, and

5.05.04 has adequate mental and physical health necessary to successfully carry out his duties, and a degree of maturity commensurate with the position. Other standards may be required from time to time by the Police Commission.

5.06 Every member of the Police Force shall, before entering upon the duties of his office, take the Oath of Allegiance and an Oath of office in the following form:

I, _____, do swear that I will diligently, faithfully, and to the best of my ability execute according to law the office of Tribal Police Constable so help me God.

5.07 The Oath prescribed by Article 5.06, and any other Oath or declaration that may be necessary or required shall be taken in public before a Commissioner for Oaths and shall be sworn upon a Bible.

5.08 It is the duty of all members of the Police Force subject to the orders of the Commission and pursuant to this Agreement:

5.08.01 To perform all duties that are assigned a peace officer in relation to the preservation of the peace, the prevention of crime and of offences against the laws of Canada and the laws in force in the Province of Alberta and the Reserve in the apprehension of criminals, offenders and others who may be lawfully taken in custody;

5.08.02 To execute all warrants and perform all duties and services in relation thereto that may, under this act and the laws of Canada and the laws of the Province of Alberta, be lawfully executed and performed by peace officers;

5.08.03 To perform all duties that may be lawfully performed by peace officers in relation to the escort and conveyance of convicts and other persons in custody to or from any courts, places of punishment or confinement, asylums or other places, and

5.08.04 To act in accordance with the Code of Ethics established by the Commission for the members of the Tribal Police and as amended by the Commission from time to time.

5.08.05 To perform such other duties as are prescribed by the Commission.

5.09 In addition to the foregoing duties, it shall be the duty of the members of the Police Force to enforce the Bylaws of the Council.

5.10 The members of the Police Force shall have the jurisdiction set forth in their appointment from time to time pursuant to The Police Act, 1973 being Chapter 44 of the Statutes of Alberta, 1973 as amended from time to time.

5.11 The Commission may retain and empower temporary cadets or bylaw enforcement officers of the Police Force and may make regulations for the appointment of such cadets and officers and for defining their powers, duties and functions as peace officers and members for such limited purposes as are assigned to them.

5.12 The Council shall provide, and the Commission shall utilize and direct, such civilian officials, clerks and employees as are necessary for carrying out the functions and duties of the Commission and the Police Force such persons to be employed by the Council on such conditions as the Council may prescribe but who shall not be members of the Police Force.

PART VI

Discipline

6.01 Complaints, including those received by the Blood Tribal Appeals Committee or the Police Commission respecting the conduct or performance of duty of any member or members of Police Force other than the Chief Constable, shall be directed in the first instance to the Chief Constable for investigation and a report on such action as he considers advisable, and the Chief Constable shall report his recommended action to the Police Commission for their decision.

6.02 Where practical a complaint shall be in writing and signed by the complainant.

6.03 The Chief Constable shall cause each complaint to be investigated and as soon as possible after receipt of the complaint shall inform the complainant in writing as to whether he has found all or any portion of the complaint to be justified and whether disciplinary action is to be taken, and in all cases where the Chief Constable has found all or any portion of the complaint not to be justified he shall inform the complainant of his right of appeal to the Blood Police Appeals Committee.

6.04 The complainant may, within 30 days after receipt of the information referred to in Article 6.03, file with the secretary of the Blood Police Appeals Committee a notice of appeal setting forth the grounds upon which the appeal is based.

6.05 Any member of the Police Force who feels himself aggrieved by disciplinary action taken against him pursuant to the Articles of this Bylaw or the regulations or the rules of the Commission may, within 30 days after being advised of the disciplinary action, file with the secretary of the Blood Police Appeals Committee a notice of appeal setting forth the grounds upon which the appeal is based.

6.06 The Chairman of the Blood Police Appeals Committee may, before or after the expiration of the time for service of a notice of appeal, extend the time of service for a further period not exceeding Thirty (30) days.

6.07 The Commission may request that the Blood Police Appeals Committee investigate the whole or any portion of a complaint held by the Chief Constable under Article 6.03 not to be justified.

6.08 Notwithstanding Article 6.01, the Blood Police Appeals Committee

(a) may, upon its own motion, conduct an investigation respecting any complaint;

(b) shall, conduct an investigation into any matter relating to the discipline or conduct of any member or members of a police force.

6.09 The Chief Constable shall, when requested to do so, supply the Blood Police Appeals Committee or Commission with copies of all investigation reports, statements and correspondence sent and received with respect to a complaint.

6.10 Where an appeal is filed under this section, any disciplinary action taken as a result of the decision from which the appeal is taken shall be stayed without further order until the appeal is terminated.

6.11 In conducting an investigation or determining an appeal under this section the Blood Police Appeals Committee may make its decision on the record, or, where it considers it necessary, may hear evidence.

6.12 In determining an appeal under Article 6.04 or 6.05 the Blood Police Appeals Committee may

6.12.01 dismiss the appeal, or

6.12.02 allow the appeal, or

6.12.03 vary the punishment imposed, or

6.12.04 affirm the punishment imposed, or

6.12.05 refer the matter back to the Chief Constable, or

6.12.06 impose punishment in accordance with regulations or rules made under the authority of this Bylaw.

6.13 The Blood Police Appeals Committee shall in writing inform

6.13.01 the complainant in the case of appeal under Article 6.04 or the appellant in the case of appeal under Article 6.05,

6.13.02 the Commission, and

6.13.03 the Solicitor General

as to the decision of the Blood Police Appeals Committee.

6.14 When the Blood Police Appeals Committee is satisfied that the conduct of the member or members of the Police Force who are involved in the investigation or appeal may constitute an offence under the Act of the Parliament of Canada or the Legislature of Alberta, the investigation or appeal shall be adjourned indefinitely and the Blood Police Appeals Committee shall forthwith inform the Attorney General of its conclusion.

6.15 Notwithstanding Article 6.14, the Blood Police Appeals Committee may continue the investigation, hearing or appeal into

matters concerning members of a police force other than those who may have committed an offence.

6.16 The Commission and the Blood Police Appeals Committee if applicable shall conduct any investigation into a complaint respecting the conduct of or performance of duty by the Chief Constable and the provisions of Articles 6.01 through 6.15 inclusive apply with all necessary modifications to a complaint against the Chief Constable and any reference to a Chief Constable in those Articles shall be deemed to be a reference to the Commission.

6.17 The Municipal Police Disciplinary Regulations being Alberta Regulation AR 179/74 with amendments up to and including Alberta Regulations 377/78, and all subsequent amendments as passed pursuant to the Police Act 1973 being Chapter 44 of the Statutes of Alberta, 1973 as amended from time to time, except where such regulations conflict with the provisions of the Agreement or the provisions of this Bylaw, and such further regulations as may be in effect from time to time with respect to the matters governed by such Municipal Police Disciplinary Regulations are hereby adopted for the purposes of this Bylaw and shall have the same force and effect as if set out in full herein except that the following words and phrases shall be substituted in the adoption and interpretation of such regulations:

6.17.01 Wherever in the regulations:

- (a) "Board or Law Enforcement Appeal Board" appears, in substitution therefor "Blood Police Appeals Committee";
- (b) "Chief of Police" appears, in substitution therefor "Chief Constable";
- (c) "Commission" appears, in substitution therefor "Police Commission";
- (d) "Council" appears, in substitution therefor "Blood Band Council";
- (e) "Force" appears, in substitution therefor "Blood Tribal Police Force".

6.17.02 All of the necessary forms provided or referred to in the Municipal Police Disciplinary Regulations shall likewise be incorporated with the appropriate alterations.

PART VII

7.01 Neither any member of the Blood Police Appeals Committee, the Commission, Band Council, Police Force, or the Director, or the Chief Constable, shall be responsible for or bear or incur any liability for any action, omission, oversight, negligence or failure

to act whatsoever however arising out of or connected with the performance or failure of performance of any duty or requirement.

7.02 If at any time during the continuation hereof, the parties hereto shall deem it necessary or expedient to make any alteration in any Article, clause, matter or thing herein contained, the provisions of this Bylaw may be amended or altered from time to time if the amendment or alteration is approved by Band 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, all of the above being subject to the proposed amendment or alteration not conflicting with the provisions of the Agreement.

7.03 All notices, applications and inquiries made to the Council, Police Commission, Blood Police Appeals Committee, Director or Chief of Police shall be directed to the address as may be from time to time of the above mentioned institutions and parties.

7.04 Words importing the singular number shall be considered as reflecting the plural where applicable and words importing the masculine gender shall reflect the feminine and neuter where applicable.

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

7.06 This Bylaw is considered operative, in effect and binding on all parties signatory as at the date of signing.

IN WITNESS WHEREOF, and agreeing in principle and content with the above provisions of this Bylaw, the Chief of the Blood Indian Band and members of the Band Council of the Blood Indian Band pass this Bylaw and have hereunto set their hands and seals this 18 day of April, A.D. 1980.

BLOOD BAND COUNCIL

CHIEF

Jim Shot Both Sides

COUNCILLOR

Roy Fox

G.E. Bear

Rose Yellow Feet

Teresa Fox

Philip Mistaken Chief

Leslie Healy

COUNCILLOR

Lester Tail Feathers

Stephen Fox