

Fort McKay First Nation
Bylaw Enforcement Officer and Peace Officer Bylaw

WHEREAS section 81(1) subsections (a) to (d) and (p) of the *Indian Act* empowers the Council of Fort McKay First Nation to pass bylaws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on Reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81 of the *Indian Act*;

AND WHEREAS the Council of Fort McKay First Nation has determined that it is desirable that community-based peace officer and bylaw enforcement officer programs be established for Fort McKay First Nation;

AND WHEREAS Fort McKay First Nation has been authorized by the Department of Justice and Solicitor General for the Province of Alberta to employ or engage Community Peace Officers pursuant to section 5 of the *Peace Officer Act*;

AND WHEREAS the Council of Fort McKay First Nation deems it necessary to implement a bylaw to regulate the behaviour, action, omissions and discipline of a Fort McKay First Nation Bylaw Enforcement Officer or a Community Peace Officer.

THEREFORE, the Council of Fort McKay First Nation enacts this *Bylaw Enforcement and Peace Officer Bylaw* as follows:

PART 1: INTERPRETATION

1.0 Title

1.1 This Bylaw may be cited as the *Bylaw Enforcement and Peace Officer Bylaw*.

2.0 Definitions

In this Bylaw, except where otherwise defined:

2.1 **“Allied Agencies”** means all those agencies in which the Peace Officer is required to work with or liaise with. They include but are not limited to police officers as defined by the Police Act, peace officers as defined under the Peace Officer Act, Provincial Ministries Provincial Ministries, Alberta Emergency Management Agency, Corporate Health and Safety, Corporate Emergency Response Teams and Corporate Security Teams;

2.2 **“Assigned Supervisor”** means the Fort McKay First Nation Occupational, Health, Safety & Environmental Department Manager, or his designate, appointed to control the actions of the Bylaw Enforcement Officers and Peace Officers;

- 2.3 **“Bylaw”** means a bylaw passed by the Council of Fort McKay First Nation under the authority of the *Indian Act*;
- 2.4 **“Bylaw Enforcement Officer”** means any Bylaw Officer appointed as such by Council;
- 2.5 **“Council”** means the Council of Fort McKay First Nation;
- 2.6 **“Emergent Incident”** means a situation where a Peace Officer is required to respond to a fire, explosion, dangerous goods, medical, rescue or other emergency event;
- 2.7 **“Non-Emergent Incident”** means a situation where a complaint has been registered, the Peace Officer has observed an infraction within Fort McKay First Nation, or a call is placed within the policy level of priority and not considered an emergency;
- 2.8 **“Peace Officer”** means a Community Peace Officer appointed pursuant to the provisions the *Peace Officer Act*, RSA 2006, Ch. P-3.5;
- 2.9 **“Property”** means any real or personal property which, without limiting the generality of the foregoing, includes land and structure;
- 2.10 **“Reserve”** means the lands set apart by Her Majesty the Queen in right of Canada for the use and benefit of the First Nation;
- 2.11 **“Violation Ticket”** means a Provincial Court summons violation ticket or an offence notice violation ticket pursuant to Parts 2 and 3 of the *Provincial Offences Procedure Act*.

PART 2: POWERS AND DUTIES OF BYLAW ENFORCEMENT OFFICERS AND PEACE OFFICERS

3.0 Jurisdiction:

- 3.1 Bylaw Enforcement Officer are authorized to act in the area of service constituted by the reserve lands of Fort McKay First Nation.
- 3.2 Peace Officers are authorized to act in that area of service presented by Fort McKay First Nation and authorized by the Solicitor General within the Peace Officer’s formal appointment documents, which can be changed or amended with permission from the Solicitor General.

- 4.0 Bylaw Enforcement Officers and Peace Officers are to carry upon his/her person, at all times he/she is acting as a Bylaw Enforcement Officer, evidence in writing of his/her appointment and bear the uniform of his position as a Bylaw Enforcement Officer or Peace Officer representing Fort McKay First Nation.
- 5.0 Bylaw Enforcement Officers shall have the following duties:
- 5.1 be responsible for the enforcement of all Bylaws of Fort McKay First Nation;
 - 5.2 issue Violation Tickets for offences under Fort McKay First Nation Bylaws, in accordance with the *Provincial Offences Procedure Act* and the *Indian Act*;
 - 5.3 exercise all powers, duties, and functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a bylaw or enactment.
- 6.0 Peace Officers shall have the following duties:
- 6.1 enforce the following Statutes of Alberta and all regulations thereunder as amended from time to time, and serve court documents relating to the:
 - a) *Animal Protection Act*;
 - b) *Dangerous Dogs Act*;
 - c) *Environment Protection and Enhancement Act*, Part 9, Division 2;
 - d) *Forest and Prairie Protection Act*;
 - e) *Gaming Liquor and Cannabis Act* (restricted to sections 83, 84, 87, 89, 107, 108; and section 115 subject to section 53 of the *Police Act*; authority to enforce *Gaming, Liquor and Cannabis Regulation* (AR 143/96 is restricted to section 87.1);
 - f) *Highways Development and Protection Act* (restricted to local roads only);
 - g) *Petty Trespass Act*;
 - h) *Provincial Offences Procedure Act*;
 - i) *Stray Animals Act*;
 - j) *Tobacco and Smoking Reduction Act*;
 - k) *Traffic Safety Act*;
 - l) *Trespass to Premises Act*; and
 - m) any other Provincial Statutes the Peace Officer is given authorization to enforce pursuant to his appointment as a Peace Officer issues by the Solicitor General of Alberta.
 - 6.2 respond to Emergent and Non-emergent incidents with the intent to protect lives and preserve Property;
 - 6.3 conduct routine patrols;

- 6.4 carry out community-based enforcement initiatives, and public engagement and education;
 - 6.5 respond to incidents as requested by Allied Agencies pursuant to their authorities listed in their individual appointments;
 - 6.6 issue Violation Tickets for offences under Fort McKay First Nation Bylaws and applicable Provincial Statutes in accordance with the *Provincial Offence Procedures Act* and the *Indian Act*;
 - 6.7 act in accordance with and pursuant to the Public Security Peace Officer Program Policy and the Fort McKay First Nation Protective Services Standard Operating Procedure Manual for Peace Officers, Provincial Statute Authority, Peace Officer Provincial Appointments, Protective Services Business and/or Traffic Plan;
 - 6.8 exercise all powers, duties, and functions of a designated Peace Officer to conduct any inspections, remedies, or enforcement authorized or required law; and
 - 6.9 appear in court to provide evidence as required.
- 7.0 Bylaw Enforcement Officers and Peace Officers are to carry out to the directions of Council or their designee in accordance with the authorities listed in their individual appointment.
- 8.0 Bylaw Enforcement Officers and Peace Officers are to follow the directions if the Assigned Supervisor and report to the Assigned Supervisor as required in accordance with the authorities listed in their individual appointment.
- 9.0 Authorization to carry and use weapons:
- 9.1 Bylaw Enforcement Officers are not authorized to carry or use weapons.
 - 9.2 Peace Officers are only authorized to carry and use permissible weapons as specified by each Peace Officer's appointment and each individual Peace Officer must be trained in the use of any such weapon prior to any authorization to carry and use.

PART 3 – COMPLAINTS PROCESS FOR PEACE OFFICERS

- 10.0 A complaint against a Peace Officer must be in writing and received by the employer, Fort McKay First Nation Occupational, Health, Safety & Environmental Department.

- 11.0 The employer will, within 30 days and in writing, acknowledge receipt of the complaint to the complainant and notify the Peace Officer involved of the complaint, if appropriate.
- 12.0 The employer will submit details of complaints made to the Director of Law Enforcement for the Province of Alberta in accordance with the Public Security Peace Officer Program Policy and Procedure Manual.
- 13.0 The employer will investigate and dispose of the complaint in accordance with the procedures set out in the Peace Officer Act and regulations.
- 14.0 The employer will notify the complainant, the Peace Officer involved and the Director of Law Enforcement as to the status of the investigation at least once every 45 days.
- 15.0 Upon conclusion of the investigation the employer will notify the complainant, the Peace Officer involved and the Director of Law Enforcement in writing of the disposition of the complaint and the reasons for the disposition.
- 16.0 The employer will notify the complainant and the Peace Officer involved of the complainant's right to have the employer's disposition of the complaint reviewed by the Director of Law Enforcement.
- 17.0 The employer, Fort McKay First Nation, may refuse to investigate or may discontinue the investigation of a complaint if, in the employer's opinion the complaint is frivolous, vexatious or made in bad faith, or having regard to all of the circumstances, no investigation is necessary.

PART 4: BYLAW ENFORCEMENT OFFICER AND PEACE OFFICER CODE OF CONDUCT

- 18.0 A Bylaw Enforcement Officer or Peace Officer shall comply with the terms and conditions of the Fort McKay First Nation's employment authorization;
- 19.0 A Bylaw Enforcement Officer or Peace Officer shall comply the terms of conditions of the Bylaw Enforcement Officer's or Peace Officer's appointment.
- 20.0 A Bylaw Enforcement Officer or Peace Officer shall comply with the Fort McKay First Nation's code of conduct for Bylaw Enforcement Officers and Peace Officers;
- 21.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from engaging in disorderly or inappropriate conduct, or acting in a way that would be harmful to the discipline of Bylaw Enforcement Officers and Peace Officers or that is likely to discredit the office of Bylaw Enforcement Officer or Peace officer;
- 22.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from withholding or

suppressing information, complaints or reports about any other Bylaw Enforcement Officer or Peace Officer;

- 23.0 A Bylaw Enforcement Officer or Peace Officer shall comply promptly and diligently perform the Bylaw Enforcement Officers' or Peace Officers' duties and responsibilities;
- 24.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from making or signing false, misleading or inaccurate statements;
- 25.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited, without lawful excuse, from destroying, mutilating or concealing records or property, or altering or erasing an entry in a record;
- 26.0 A Bylaw Enforcement Officer or Peace Officer shall respect when confidentiality must be maintained;
- 27.0 A Bylaw Enforcement Officer or Peace Officer shall properly account for or return money or property that the Bylaw Enforcement Officer or Peace Officer receives in his or her capacity as a Bylaw Enforcement Officer or Peace Officer;
- 28.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from activities that may or will result in a conflict of interest or an apprehension of or a lack of integrity in the office of the Bylaw Enforcement Officer or Peace Officer;
- 29.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from using the Bylaw Enforcement Officer or Peace Officer's position for his or her own advantage or another person's advantage;
- 30.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from exercising the Bylaw Enforcement Officer's or Peace Officer's authority when it is unnecessary to do so;
- 31.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from consuming alcohol while on duty, except in the performance of the peace officer's duties;
- 32.0 A Bylaw Enforcement Officer or Peace Officer shall be prohibited from consuming controlled drugs and controlled substances under the Controlled Drugs and Substance Act (Canada);
- 33.0 A Bylaw Enforcement Officer or Peace Officer shall, except in the performance of his or her duties, be prohibited from possessing controlled drugs and controlled substances, the possession of which is prohibited by law; and
- 34.0 A Bylaw Enforcement Officer or Peace Officer act in the public interest, meaning using

all powers responsibly, acting with honesty and transparency and preventing and addressing improper conduct.

PART 5: GENERAL

- 35.0 If any Section or Sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- 36.0 This Bylaw shall come into force and effect upon the adoption by the Council and the publishing of the Bylaw in the First Nations Gazette, pursuant to the requirements of the *Indian Act Amendment and Replacement Act*.

APPROVED AND PASSED at a duly convened meeting of the Chief and Council of the Fort McKay First Nation held at Fort McKay in the Province of Alberta this 11th day of May, 2021.



Chief Mel Grandjamb



Councillor David Bouchier



Councillor Crystal McDonald



Councillor Melinda Stewart



Councillor Raymond Powder

A COPY OF THE PROPOSED LAWS may be obtained from: Communications Department, Fort McKay.

CONTACT INFORMATION: For further information or questions regarding the Proposed Laws, this Notice or the making of written representations to Council, please contact Communications Department at Fort McKay First Nation, by telephone at 780-828-4220 or by email at communications@fortmckay.com.