



## ENOCH CREE NATION

### BYLAW ENFORCEMENT OFFICER and PEACE OFFICER BYLAW # 2024-100-EOPO

“kihiwîkwan” (Eagle Feather)

P<sup>h</sup> ΔΔb<sup>o</sup>

#### Preamble

Since time immemorial, the Maskêkosihk (Enoch Cree Nation) have lived upon these lands, guided by the sacred laws of the Creator. These laws are spiritual in nature, passed down through generations in our oral histories and Creation Stories. They govern how we live, how we care for one another, and how we uphold our responsibilities to Creation.

Our children are sacred gifts for their parents from the Spirit World before entering this realm. They are borrowed from the Creator, entrusted to us with the highest duty of protection, nurturing, and guidance. Their well-being must remain at the center of all that we do as a Nation, for in them lies the future of our people.

When Treaty was made, it was through ceremony that our Okicitâwiskêwak (Clan Mothers) instructed our men on how to negotiate, ensuring that our agreements would reflect the needs and responsibilities of our people. Our women are life givers, carrying the sacred responsibility of bringing new generations into the world. They have always played an essential role in our governance through the Okicitâwiskêwak, who provided spiritual direction and raised children and youth to become the leaders who govern the Nation.

Our Kitêyak (Elders), carrying generations of knowledge and a deep spiritual connection, have always been central to our governance, serving as mentors, advisors and decision-makers. Their key role as educators was passing down the knowledge and experience needed for the Nation to survive, and to pass down the ceremonies given to us from the Creator.

Our Okicitâwak (Warrior Societies) have always stood as providers and protectors, reinforcing the roles of our men and ensuring the safety and strength of our people by defending our homes, and upholding the responsibilities given to us by the Creator.

These sacred roles and governing structures have been disrupted by colonial policies such as the Indian Act, which sought to dismantle our way of life and replace it with an ineffective governance model. These policies have harmed our families, removed our children, and attempted to erase our identity as Nêhîyawâk (Plains-Cree People). However, our laws, our governance, and our responsibilities have never been extinguished. They live within our language, our land, our teachings, our ceremonies, and our people.

Our ceremonies—our Sun Dances and other sacred, closed practices—provide us with the guidance to uphold our responsibilities as leaders, caretakers, and protectors. Our true governance is a way of life, deeply rooted in the land, the wisdom of our Elders, and the spiritual guidance we receive through ceremony.

If we, as the Enoch Cree Nation, are to fully restore the true governance of our ancestors, we must return to our traditional governing systems. We must restore our Okicitâwiskêwak, uphold the wisdom of our Kitêyak, and strengthen our Okicitâwak. We must return to our ceremonies, remembering that our laws come from the Creator.

Our path forward is to reclaim our rightful place as a self-determined Nation, governing as we always have—through family, ceremony, and the balance of Creation.

## **DECLARATION OF SOVEREIGNTY**

The Enoch Cree Nation asserts its Inherent right to govern our people a right that was granted to us by the Creator since time immemorial, long before the existence of Canada or its provinces or territories; Our Inherent rights have never been extinguished, ceded, nor surrendered, and remain intact through our sacred responsibilities to the Creator, to our lands, and to our people;

Enoch Cree Nation is a proud signatory to Treaty No. 6, affirming our sovereign relationship with the Crown, and upholding the sacred covenants established to ensure our survival, prosperity, and self-determination; Our Treaty was made through the sacred Pipe, which represents our relationship with the Creator, and the spiritual laws we are bound to uphold.

The government of Canada and its provinces sought to destroy our families through genocidal policies such as the Indian Act, Residential School System, the Sixties Scoop, and the modern child welfare system, and the Canadian legal system; These deliberate and systemic acts of interference have inflicted immeasurable harm upon our people, yet our resilience and determination remain unbroken.

The answer to restoring the sovereign nationhood of Enoch Cree Nation lies in rebuilding our home fires—returning our families to their rightful place at the heart of our governance and rebuilding our own traditional governing systems and law-making authority.

Through the creation of our own laws, empowered by our Inherent rights and guided by our traditional laws and governance, Enoch Cree Nation will ensure that no child or family of our Nation is ever again harmed, removed, or interfered with by any foreign government or external authority.

This Declaration of Sovereignty underscores our divine responsibility to uphold our Inherent rights through the establishment of our own Constitution aligned with our laws that govern our sacred Pipe. Guided by our ceremonies we affirm that our sovereignty must be enforced through the development of our own laws and legislation in every sector.

Our Nation stands united and unwavering in the assertion of our sovereignty, for as long as the sun shines, the grass grows, and the rivers flow.

Our Inherent Rights include, but are not limited to:

1. **The Right to Self-Governance** – The Enoch Cree Nation has the exclusive right to govern ourselves in accordance with our laws, customs, and traditions.
2. **The Right to Self-Determination** – We alone define our political, economic, social, and cultural structures and institutions.
3. **The Right to our Lands and Territories** – Our lands, waters, and natural resources are our birthright, and we retain full jurisdiction over them.
4. **The Right to Law-Making and Justice** – We establish and enforce our own laws based on our traditional governance systems and our inherent authority.
5. **The Right to Economic Sovereignty** – We have the freedom to develop, regulate, and sustain our own economies for the benefit of our people.
6. **The Right to Cultural and Spiritual Well-Being** – Our language, ceremonies, and sacred knowledge are protected and preserved for future generations.
7. **The Right to Education and Knowledge** – We determine how our knowledge is passed down, ensuring our future generations remain strong in their spiritual identity.
8. **The Right to International Relationships** – We choose how we engage with other Nations, governments, and international bodies.
9. **The Right to Protect and Care for Our People** – Our governance prioritizes the health, safety, and well-being of our people, including our children, Elders, and future generations.

These Inherent Rights are not privileges given by any foreign government; however, they are recognized through the United Nations Declaration on the Rights of Indigenous Peoples and Section 35 of the Constitution Act 1982 and further affirmed through our Treaty relationship.

Our Inherent Rights were never up for negotiation during Treaty-making and remain fully intact. Any government action that seeks to limit or regulate our Inherent Rights without our free, prior, and informed consent is an infringement on our sovereignty.

This **Declaration of Sovereignty** stands as an affirmation of our Nation's continued existence, authority, and independence. We are the rightful stewards of our lands and people, and we will continue to assert our sovereignty for the benefit of all generations to come.

**Enoch Cree Nation, Sovereign and Free—Now and Forever.**

**WHEREAS** Enoch Cree Nation continues to strive to ensure that matters related to law enforcement is carried out in a conscientious, respectful, peaceful and prompt manner;

**AND WHEREAS** section 81(1) of the *Indian Act* empowers the Council 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 a Reserve, in addition to, matters arising out of or ancillary to the exercise of powers under section 81(1) of the *Indian Act*;

**AND WHEREAS** Pursuant to Treaty 6 and to its inherent rights, Enoch Cree Nation possesses a right of self-government, which has been recognized and affirmed by the Crown. Making By-laws relating to matters like peace officers and the enforcement of Enoch's other laws is an exercise of Enoch's inherent right of Self-Government;

**AND WHEREAS** the Council has determined that it is desirable that Bylaw Enforcement Officer and Peace Officer programs be established for the Nation;

**AND WHEREAS** the Province of Alberta has agreed that Enoch has the authority to employ or engage Peace Officers;

**AND WHEREAS** the Council deems it expedient and necessary to implement a Bylaw to allow for the appointment of Bylaw Enforcement Officers and Peace Officers through a Band Council Resolution, who shall have the responsibilities outlined in this Bylaw and to regulate the behaviors, actions, omissions and discipline of Bylaw Enforcement Officers and Peace Officer;

**AND WHEREAS** Nothing in this By-Law shall be construed so as to abrogate or derogate from the Aboriginal and Treaty rights of the Enoch Cree Nation;

**THEREFORE**, the Council enacts this *Bylaw Enforcement Officer and Peace Officer Bylaw* as follows:

## **1. INTERPRETATION**

### **Title**

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

### **Definitions**

In this Bylaw, except where otherwise defined:

1.2 "**Authorized Provincial Legislation**" means the authority delegated to a Peace Officer by a Peace Officer Appointment to enforce the legislation and all regulations listed in **Schedule "C"**.

1.3 "**Bylaw**" means a Bylaw passed by the Council under the authority of the *Indian Act*.

1.4 "**Bylaw Enforcement Officer**" means any Bylaw officer appointed as such by Council and who, in the execution of their duties, is a person employed for the preservation and maintenance of the public peace.

1.5 "**Chief**" means Chief of Enoch Cree Nation.

1.6 "**Council**" means the Council of Enoch Cree Nation #135 and #135A.

1.7 "**Day**" means, when referenced to document service, a business or working day.

- 1.8 “**Department**” means the Nation’s Department of Protective Services and ancillary departments including the Human Resources Department and the Enoch Cree Nation Administration.
- 1.9 “**Designated Officer**” means an Enoch Cree Nation employee designated to act on behalf of the Nation for any bylaw enforcement matters in relation to land use, or any other matters as assigned by the Nation.
- 1.10 “**Indian Act**” means *Indian Act* R.S.C., 1985, c. I-5, amended from time to time.
- 1.11 “**First Responder’s Manager**” means the Senior Manager of the First Responders Branch under the *Peace Officer Act*, SA 2006 c. P-3.5, or their designate.
- 1.12 “**Manager**” means an individual designated as the Manager of Enoch Cree Nation Protective Services department to complete the duties pursuant to section 4.1 of this Bylaw.
- 1.13 “**Nation**” means Enoch Cree Nation, I.R. #135 and I.R. #135A, the lands set apart by His Majesty the King in right of Canada for the use and benefit of First Nations.
- 1.14 “**Neglect of Duty**” means a Bylaw Enforcement Officer or Peace Officer meeting any one or more of the following:
- a) failure to perform or carry out their duties according to law,
  - b) failure to perform or carry out the duties and responsibilities given to them within the terms of their appointment as a Bylaw Enforcement Officer or Peace Officer.
- 1.15 “**Peace Officer**” means a person appointed as a Peace Officer for the Nation pursuant to section 7 of the *Peace Officer Act*, SA 2006 c. P-3.5.
- 1.16 “**Peace Officer Appointment**” means the appointment of an individual, in writing, as a Peace Officer.
- 1.17 “**Peace Officer Program**” means the program for the appointment, management, supervision and discipline of Peace Officers in the Province of Alberta under the *Peace Officer Act*, SA 2006 c. P-3.5.
- 1.18 “**Property**” means any real or personal property which, without limiting the generality of the foregoing, includes land and structure.
- 1.19 “**Reserve Lands**” means the Nation’s Reserve lands as such term is defined in the *Indian Act*.

- 1.20 **"Supervisor"** means the individual appointed to supervise, direct, and manage the performance of the duties of a Bylaw Enforcement Officer or Peace Officer and whom the Bylaw Enforcement Officer or Peace Officer directly reports to.
- 1.21 **"Violation Tag"** means a Nation issued tag whereby the person alleged to have committed a breach of a provision of a Bylaw is given the opportunity to pay a voluntary penalty to the Nation in lieu of prosecution for an offence.
- 1.22 **"Violation Ticket"** means a violation ticket, pursuant to a Part 2 Provincial Court summons or a Part 3 offence notice, as defined in the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- 1.23 **"Weapons and Equipment"** means the weapons or equipment a Peace Officer is authorized pursuant to a Peace Officer Appointment to carry or use while in the performance of a Peace Officers duties.

## **2. APPLICATION**

- 2.1 This Bylaw applies on the Nation within the Reserve Lands.
- 2.2 Compliance with this Bylaw does not exempt any person from their obligations under other applicable federal or provincial laws, regulations, or Nation Bylaws

## **3. JURISDICTION**

- 3.1 Bylaw Enforcement Officers shall have jurisdiction and authority within the boundaries of the Reserve Lands.
- 3.2 Peace Officers shall also have jurisdiction and authority throughout the territory of Treaty 6, including within the Reserve Lands.

## **4. POWERS AND DUTIES**

- 4.1 The powers and duties of the Manager shall include the following:
- a) directly oversee the day-to-day activities of the Bylaw Enforcement Officers and Peace Officers appointed under this Bylaw;
  - b) authorize, direct or require Bylaw Enforcement Officers and Peace Officers to carry out any powers, duties, or functions necessary to fulfill their responsibilities for the preservation and maintenance of public peace and public safety;
  - c) grant authorization to issue Violation Tags or Violation Tickets under Bylaws enacted by the Nation under section 81(1) of the *Indian Act*;

- d) investigate and respond to any public complaints regarding an alleged code of conduct or Neglect of Duty issue against a Bylaw Enforcement Officer or Peace Officer under this Bylaw;
- e) impose disciplinary, corrective action or operational guidance where it has been determined that there has been a code of conduct or Neglect of Duty issue against a Bylaw Enforcement Officer or Peace Officer under this Bylaw, included but not limited to, the suspension or termination of the appointment of the Bylaw Enforcement Officer or Peace Officer; and
- f) provide the required field training and operational guidance to Bylaw Enforcement Officers and/or Peace Officers,
- g) ensure that the Bylaw Enforcement Officers and Peace Officers are obtaining history, if any, and conduct wellness background checks on any individuals they may need to deal with, accordingly.

### **Bylaw Enforcement Officer**

4.2 The powers and duties of a Bylaw Enforcement Officer shall include the following:

- a) to preserve and maintain the public peace and property standards;
- b) to enforce the Bylaws of the Nation which Council authorized or directed the Bylaw Enforcement Officer to enforce within the boundaries of the Reserve Lands;
- c) to respond to and investigate complaints, conduct routine patrols in the Reserve Lands and issue written notices, Violation Tags, or Violation Tickets in accordance with the Department policies and procedures; and
- d) to exercise all powers, duties, and functions of a Designated Officer of the Nation to conduct any inspections, remedies, or enforcement authorized or required by a Bylaw.

4.3 Bylaw Enforcement Officers shall follow the directions of their Supervisor and report to their Supervisor as required in accordance with their authorities and the Department policies and procedures.

4.4 Bylaw Enforcement Officers shall follow the Human Resources Department Policy and Procedure manual.

4.5 Bylaw Enforcement Officers are not authorized to carry or use weapons, with the following exceptions:

- a) a Bylaw Enforcement Officer may utilize, including but not limited to, the following items in the course of their duties:
  - i) dog repellent spray; and
  - ii) a catch pole or snare pole.
- b) a Bylaw Enforcement Officer, who is also a Peace Officer, appointed under the *Peace Officer Act*, SA 2006 c. P-35, as amended from time to time, may utilize any of their approved weapons in the course of their duties, subject to their individual appointments and any applicable rules, policies or procedures with respect to that appointment.

#### **Peace Officer**

4.6 The powers and duties of a Peace Officer shall include the following:

- a) be responsible for the enforcement of all Bylaws enacted by the Nation unless otherwise specified in a Bylaw or a Band Council Resolution;
- b) conduct fair and consistent enforcement and serve Court documents pursuant to the Authorized Provincial Legislation on their individual Peace Officer Appointments;
- c) issue Violation Tags or Violation Tickets for offences under the Authorized Provincial Legislation on their individual Peace Officer appointments and Bylaws enacted by the Nation;
- d) respond to and investigate public concerns or complaints;
- e) conduct proactive and reactive routine patrols of the Reserve Lands;
- f) exercise all powers, duties, and functions of a designated Bylaw Enforcement Officer under this Bylaw and Peace Officer to conduct any inspections, remedies, or enforcement authorized in provincial legislation pursuant to the Peace Officers Appointment, the Bylaws and the *Indian Act*;
- g) assist the Nation's prosecutor, if applicable, in the prosecution of the Bylaws and statutory offenses including appearances in court to provide evidence and service of subpoenas on potential witnesses;
- h) appear in Court to provide evidence as required;
- i) preserve and maintain public peace on the Nation;

- j) carry or use authorized Weapons and Equipment while in the performance of their duties;
- k) follow and comply with the Department Standard Operating Procedures manual;
- l) report to and carry out the duties and directions of the Manager or the First Responder's Manager; and
- m) respond to and assist respecting incidents in the area as requested by other surrounding law enforcement agencies pursuant to the authority in the Peace Officers Appointment.

### **Appointment Requirements**

- 4.7 To be eligible for appointment as a Bylaw Enforcement Officer, individuals must provide to the Department:
  - a) a clear criminal record and vulnerable sector check,
  - b) proof they are a minimum 18 years of age or older,
  - c) demonstrated commitment of good moral character,
  - d) proof of adequate training necessary for performing the powers, duties, and functions of a Bylaw Enforcement Officer as determined by the Department in its sole discretion,
  - e) shall complete Enoch Cree Nation Cultural Awareness Training; and,
  - f) any other requirements specified by the Department.
- 4.8 To be eligible for an appointment as a Peace Officer, individuals must meet the qualifications of the Alberta Public Safety and Emergency Services Peace Officer Program Policy and Procedures manual.
- 4.9 Chief and Council shall designate a Bylaw Enforcement Officer through a Council motion.
- 4.10 Once the Council motion set out in section 4.9 has been approved, the Department shall complete a Bylaw Enforcement Officer Appointment in the form attached as **Schedule "A"** to this Bylaw.
- 4.11 The original copy of the Bylaw Enforcement Officer's Appointment form shall be kept in the Bylaw Enforcement Officer's personnel file held with the Department and a copy shall be provided to the Bylaw Enforcement Officer.
- 4.12 Prior to commencing their duties, a Bylaw Enforcement Officer shall take the official Oath of Office attached as **Schedule "B"** to this bylaw.

- 4.13 The original copy of the Bylaw Enforcement Officer's Oath of Office shall be kept in their personnel file held with the Department and a copy shall be provided to the Bylaw Enforcement Officer.
- 4.14 The Department may impose terms and conditions on a Bylaw Enforcement Officer Appointment.

### **Code of Conduct**

- 4.15 A Bylaw Enforcement Officer or Peace Officer shall not:
- a) violate any terms and conditions of their Bylaw Enforcement Officer or Peace Officer appointment;
  - b) violate any code of conduct or policy set out by a department including with respect to human resources;
  - c) violate any Act of the Parliament of Canada, or any Act of the Legislature of Alberta, or any Regulations made under any such Act, including without limitation, human rights legislation and the Canadian Charter of Rights and Freedoms;
  - d) act in a disorderly or inappropriate manner; and
  - e) act in a manner that would be harmful to the organizational discipline or is likely to discredit the reputation of law enforcement or put the office of a Bylaw Enforcement Officer into disrepute.
- 4.16 Bylaw Enforcement Officers or Peace Officers shall not apply the law differently or exercise authority based on race, ethnicity, religion, sex, gender, physical disability, sexual orientation, marital status, age, genetic characteristics, ancestry, place of origin or other designated category of discrimination under *Canadian Human Rights Act, R.S.C. 1985, c. H-6*, and any replacements or amendments thereof.
- 4.17 Bylaw Enforcement Officers or Peace Officers shall not withhold or suppress a complaint against, or a report made about a Bylaw Enforcement Officer or Peace Officer.
- 4.18 Bylaw Enforcement Officers or Peace Officers shall not neglect without a lawful excuse, to perform the duties as a Bylaw Enforcement Officer or Peace Officer promptly or diligently.
- 4.19 Bylaw Enforcement Officers or Peace Officers shall not willfully or negligently make or sign a false, misleading, or inaccurate statement in any official document or record.
- 4.20 Bylaw Enforcement Officers or Peace Officers shall not, without lawful excuse, destroy, mutilate, or conceal an official document or record, or alter or erase an entry in an official document or record.

- 4.21 Bylaw Enforcement Officers and Peace Officers must maintain confidentiality of all private information obtained in their official capacity, except when disclosure is legally required.
- 4.22 Bylaw Enforcement Officers and Peace Officers must promptly and accurately account for all money and property received in their official capacity.
- 4.23 Bylaw Enforcement Officers and Peace Officers shall not solicit or accept any gifts, payments, favors, or benefits of any kind without prior approval from their Supervisor.
- 4.24 Bylaw Enforcement Officers or Peace Officers shall not become involved in a financial, contractual, or other obligation with a person with whom the Bylaw Enforcement Officer or Peace Officer could reasonably expect to be in a conflict of interest.
- 4.25 Bylaw Enforcement Officers or Peace Officers shall not, without lawful excuses, use their position as a Bylaw Enforcement Officer or Peace Officer for personal advantage or another person's personal advantage.
- 4.26 Bylaw Enforcement Officers or Peace Officers shall not exercise authority as a Bylaw Enforcement Officer or Peace Officer when it is unlawful or unnecessary to do so.
- 4.27 While on duty, Bylaw Enforcement Officers and Peace Officers are prohibited from consuming, using, or possessing alcohol or illegal drugs, except when such possession is required in the execution of their official duties.
- 4.28 Bylaw Enforcement Officers and Peace Officers shall report to work fit for duty. Bylaw Enforcement Officers and Peace Officers shall not report to work unfit for duty due to the consumption of alcohol, illicit drugs, or fatigued, or any other reason that deems them unfit for duty. For greater certainty, Bylaw Enforcement Officers or Peace Officers shall always comply with any applicable drug and alcohol policies issued and in force by the Department.
- 4.29 Bylaw Enforcement Officers or Peace Officers shall not demand, persuade, or attempt to persuade another person to give, purchase or obtain any liquor, gift, item, or any other favor for a Bylaw Enforcement Officer or Peace Officer at any time.
- 4.30 Bylaw Enforcement Officers or Peace Officers shall refrain from using force, and when force is necessary, shall not apply excessive or otherwise inappropriate force in circumstances where force is used.
- 4.31 Bylaw Enforcement Officers shall not be in possession of a firearm while on duty, unless that firearm is part of a training session in the presence of a Basic Firearms Instructor, for the purposes of training only.
- 4.32 Bylaw Enforcement Officers shall not utilize a firearm in the course of their duties and are not permitted to be in possession of a firearm or other weapons not approved by the Council, at any time while on duty.
- 4.33 Peace Officers may utilize a firearm or Weapons and Equipment in the course of their duties pursuant to their individual Peace Officer Appointments.

- 4.34 Peace Officers shall use sound judgement in the use and care of a firearm, other Weapons and Equipment or restraining device.

## 5. PUBLIC COMPLAINTS PROCESS

- 5.1 Complaints about a Bylaw Enforcement Officer or Peace Officer shall be directed to the Manager or the First Responder's Manager, at the *Enoch Cree Nation Band Office, 6947-259 Street NW, Enoch, AB. T7X 3Y3*.
- 5.2 Complaints shall be in writing and **MUST** be signed by the complainant.
- 5.3 If the complaint is "internal" in nature, Enoch Cree Nation's Human Resources Policy shall be followed. "Internal" complaints refer to issues between staff members, or staff and supervisor, over the interpretation, meaning, operation or application of any term or condition of employment, with exception of the classification of a position, an employee, contract employee or volunteer.
- 5.4 The Manager or the First Responder's Manager, shall, within thirty (30) days and in writing, acknowledge the receipt of the complaint to the complainant.
- 5.5 The Manager or the First Responder's Manager shall notify the Bylaw Enforcement Officer or Peace Officer involved in the complaint. Notifying the Bylaw Enforcement Officer or Peace Officer may be delayed when it may reasonably be suspected that:
- a) the complainant may be placed in danger,
  - b) the complainant may face other inappropriate action by the Bylaw Enforcement Officer or Peace Officer should the Bylaw Enforcement Officer or Peace Officer be informed,
  - c) the notification may impede the gathering of evidence during an internal investigation conducted,
  - d) a reasonable likelihood exists that the complaint may lead to charges under federal or provincial legislation and that notification of the Bylaw Enforcement Officer or Peace Officer could impede any resulting police or other investigative agency investigation; or
  - e) any other situation identified by the Department in which it may be appropriate to delay informing the Bylaw Enforcement Officer or Peace Officer about the complaint.
- 5.6 In the event a complaint is made against a Peace Officer, the Manager, or the First Responder's Manager shall notify the Peace Officer Program, of the Peace Officer involved, and the complainant as to the status of the investigation at least once every 45 days following the date the complaint is made. In the case of a Bylaw Enforcement Officer, the Peace Officer Program does not need to be notified.

- 5.7 The Manager or the First Responder's Manager shall present the allegations that were made, as well as the findings of the investigation, to the Bylaw Enforcement Officer or Peace Officer involved.
- 5.8 The Bylaw Enforcement Officer or Peace Officer shall be given an opportunity to make a full response to the allegations and supporting evidence. The Bylaw Enforcement Officer or Peace Officer shall have the opportunity to contact and retain legal counsel at their own expense prior to responding to the allegation. A Bylaw Enforcement Officer or Peace Officer may have legal counsel present at all stages of the proceedings if they choose.
- 5.9 The Manager or the First Responder's Manager shall hear the response of the Bylaw Enforcement Officer or Peace Officer, as well as review any other information that is relevant to determine the facts. This may include, but is not limited to:
- a) occurrence reports,
  - b) Bylaw Enforcement Officers or Peace Officers notes,
  - c) witness statements; and
  - d) in-car audio/video and/or body camera recording system.
- 5.10 The Manager or the First Responder's Manager shall investigate the complaint and if required designate other individuals to assist.
- 5.11 The Manager or the First Responder's Manager may resolve complaints they deem to be minor informally through an alternate resolution mechanism.
- 5.12 If the Manager or the First Responder's Manager is satisfied that misconduct has been committed, they will take the necessary corrective action.
- 5.13 The Manager or the First Responder's Manager shall notify the complainant, and the Bylaw Enforcement Officer or Peace Officer involved and the Peace Officer Program of the disposition of the complaint using the following wording as found in section 22 of the *Peace Officer Ministerial Regulation*:
- a) **"The complaint is unfounded"**. This means that based on a thorough investigation no reasonable belief exists that the complaint has merit or basis.
  - b) **"The complaint is unsubstantiated"**. This means that based on a thorough investigation there is insufficient evidence to determine the facts of the complaint and that it may or may not have occurred.
  - c) **"The complaint is found to have merit in whole or in part"**. This means that based on a thorough investigation that:

- **“In whole”** a reasonable belief exists that the Bylaw Enforcement Officer or Peace Officer has engaged in misconduct regarding the entirety of the complaint; or
- **“In part”** a reasonable belief exists that the Bylaw Enforcement Officer or Peace Officer has engaged in misconduct regarding a portion(s) of the complaint, but not in its entirety.

d) **“The complaint is frivolous, vexatious or made in bad faith”**. This disposition will be used when the Department chooses not to investigate a complaint which it deems to be frivolous, vexatious, or made in bad faith.

- 5.14 In the event a complaint is found to have merit in whole or in part, the Manager or the First Responder's Manager must state what disciplinary action has been taken and it must be in accordance with Enoch Cree Nation's Human Resources disciplinary policy.
- 5.15 For the complaint on a Bylaw Enforcement Officer or Peace Officer, a conclusion letter shall be issued to the complainant.
- 5.16 For the complaint on a Peace Officer, the conclusion letter issued to the complainant must contain the following closing paragraph which communicates to the complainant that appeals of the decision reached by the authorized employer must be addressed to the Director as required in section 15 of the *Peace Officer Act*, SA 2006 c. P-3.5:

***“Please be advised you have the right to appeal these findings to the Director of Law Enforcement for the Province of Alberta pursuant to section 15(4) of the Peace Officer Act. An appeal must be in writing and initiated within 30 days of receipt of this decision, and any decision reached by the Director of Law Enforcement on appeal is final”.***

Correspondence to the Director shall be sent to:

*Director of Law Enforcement 10th Floor, 10365 - 97 Street Edmonton AB T5J 3W7*

- 5.17 Reporting requirements to the Peace Officer Program, as required in section 5.16 above, does not apply, if the complaint involves a Bylaw Enforcement Officer.
- 5.18 The Manager or the First Responder's Manager shall submit details of complaints made against its Peace Officers to the Peace Officer Program monthly.

## 6. INFORMAL COMPLAINTS PROCESS

- 6.1 Where a complaint has been brought against a Bylaw Enforcement Officer, the Manager or the First Responder's Manager has the authority to informally resolve the public complaint. This shall be accomplished by meeting with the complainant to discuss their concerns, facts and any information pertaining to the complaint either by phone, virtually, or in person. If a mutually agreeable solution can be reached by all parties involved, the complaint shall be deemed to be resolved, and no investigation is necessary.
- 6.2 Where a complaint has been brought against a Peace Officer, *section 15(2)(b) of the Peace Officer Act* allows for the Manager or the First Responder's Manager to refuse to investigate or may discontinue the investigation of a complaint if, in the Manager's or the First Responder's Manager's opinion and having regard to all the circumstances, no investigation is necessary.
- 6.3 Where a complaint has been brought against a Bylaw Enforcement Officer or Peace Officer, the Manager or the First Responder's Manager has the authority to informally resolve the public complaint. This shall be accomplished by meeting with the complainant to discuss their concerns, facts and any information pertaining to the complaint either by phone, virtually, or in person. If a mutually agreeable solution can be reached by all parties involved, the complaint shall be deemed to be resolved, and no investigation is necessary.
- 6.4 Should the Manager or the First Responder's Manager apply sections 6.2 or 6.3 in relation to a Peace Officer, they must also have the informal resolution process filed with the Peace Officer Program.
- 6.5 The informal complaints resolution process may also be used in those unforeseen circumstances where an investigation is not required based on an evaluation of the circumstances by the Manager or First Responder's Manager. This section does not alleviate the need for authorized employers of the Bylaw Enforcement Officers and the Peace Officers to exercise effective management and due diligence in dismissing the complaint.
- 6.6 All complaints resolved pursuant to the informal complaints process set out in this Bylaw regarding a Peace Officer will be reported to the Peace Officer Program monthly pursuant to the *Peace Officer Act*.
- 6.7 Reporting requirements to the Peace Officer Program, as required in section 0 above, does not apply, if the complaint involves a Bylaw Enforcement Officer.

## 7. DISCIPLINE AND APPEALS PROCEDURE

- 7.1 The discipline of any Bylaw Enforcement Officer or Peace Officer shall be in accordance with Enoch Cree Nation's Human Recourses Code of Conduct and Discipline policies.

- 7.2 If either the complainant or the Bylaw Enforcement Officer or Peace Officer wish to appeal the decision of the Manager or the First Responder's Manager regarding conduct, a notice of appeal with all relevant information shall be delivered to the Nation's Chief Operating Officer, or their designate within thirty (30) days of the date of receipt of notice of the results of the investigation.
- 7.3 Delivery of the notice of appeal shall be made in person, via registered mail, regular mail, or e-mail.
- 7.4 If delivery of the notice of appeal is made via regular mail, or e-mail, the notice of appeal is deemed to have been served after 7 days of mailing or e-mailing.
- 7.5 Within five (5) days from the date the Chief Operating Officer, or their designate, receives the notice of appeal, the Chief Operating Officer, or their designate shall provide notification to the appellant and respondent, that the Chief Operating Officer, or their designate has received the notice of appeal.
- 7.6 Upon receipt of the notice of appeal, the Chief Operating Officer, or their designate shall review the appeal documents, the complaint, investigation report, speak to the person(s) involved as deemed necessary and review any other related documents associated with the complaint.
- 7.7 The Chief Operating Officer, or their designate in considering the appeal, may dismiss or uphold some or all the decision or may vary the original decision.
- 7.8 The Chief Operating Officer, or their designate within forty-five (45) days of receipt of the notice of appeal, must notify the complainant and the Bylaw Enforcement Officer or Peace Officer, in writing, as to the final decision of the appeal. The decision of the Chief Operating Officer or their designate regarding the appeal is considered final.

## **8. SEVERABILITY AND EFFECTIVE DATE**


- 8.1 If any provision of this Bylaw or any parts thereof are found by a court of competent jurisdiction to be illegal or beyond the power of the Council to enact, such provision or parts thereof shall be deemed to be severable and all other provisions or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.
- 8.2 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, SC 2014, c. 38*, as amended from time to time.


## 9. AMENDMENT

- 9.1 This Bylaw may be amended by Administration without a motion consensus or Band Council Resolution. Amendments may include, but are not limited to, the inclusion of a Preamble specific to the needs of Enoch Cree Nation, definitions, translating the Bylaw into the Cree language and formatting the Bylaw without changing any context of the Bylaw.
- 9.2 Any amendments will come into force on the date of publishing of the amendment in the First Nations Gazette, pursuant to the requirements of the *Indian Act Amendment and Replacement Act*, SC 2014, c. 38, as amended from time to time.

**10. EFFECTIVE DATE**

This Bylaw is hereby passed at a duly convened meeting of the Council of the Enoch Cree Nation this 30<sup>th</sup> day of April, 20 25

  
 Chief (Print name under signature)  
 Edy Thomas


  
 Councillor (print name under signature)  
 Jared Morin


\_\_\_\_\_  
 Councillor (print name under signature)

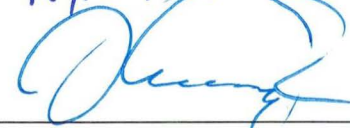
\_\_\_\_\_  
 Councillor (print name under signature)


\_\_\_\_\_  
 Councillor (print name under signature)

\_\_\_\_\_  
 Councillor (print name under signature)

  
 Councillor (print name under signature)  
 Jerome B. Morin (Rocky)

  
 Councillor (print name under signature)  
 Kyle Peacock

  
 Councillor (print name under signature)  
 Shane Peacock

  
 Councillor (print name under signature)  
 NOLA WANUCH

\_\_\_\_\_  
 Councillor (print name under signature)



## Schedule "A"

## BYLAW ENFORCEMENT OFFICER APPOINTMENT

*Pursuant to Section 81(1) of the Indian Act, R.S.C., 1985, c. I-5, and Enoch Cree Nation's Bylaw Enforcement Officer and Peace Officer Bylaw #2024-100-EOPO*

Duly enacted, Enoch Cree Nation Council hereby appoints:

**Name of Individual**

**As a BYLAW ENFORCEMENT OFFICER**

As detailed below

The person appointed under this document has the authority, while employed by ENOCH CREE NATION, and while acting within the scope of their employment, to enforce all the Bylaws of ENOCH CREE NATION.

This appointment expires upon termination of employment with ENOCH CREE NATION.

The Bylaw Enforcement Officer shall, always, abide by the Policies, Procedures and this Bylaw, as amended from time to time, issued by ENOCH CREE NATION.

DATED at ENOCH, Alberta, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Tribal Administrator  
Chief Operating Officer

\_\_\_\_\_  
Chief





## Schedule "B"

## BYLAW ENFORCEMENT OFFICER

## OATH OF OFFICE

I, \_\_\_\_\_ swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Bylaw Enforcement Officer for **Enoch Cree Nation** and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before me in this office of Bylaw Enforcement Officer, so help me God.

Sworn before me in the \_\_\_\_\_ of )

\_\_\_\_\_ in the Province of Alberta, )

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ )

\_\_\_\_\_  
Signature

\_\_\_\_\_  
)  
Commissioner for Oaths in and for the Province of Alberta

\_\_\_\_\_  
Print Name and Expiry

## Schedule "C"

### List of Enactments

- a) *Animal Protection Act, RSA 2000, c. A-41;*
- b) *Dangerous Dogs Act, RSA 2000, c. D-3;*
- c) *Environmental Protection and Enhancement Act, RSA 2000, c. E-12, Part 9, Division 2;*
- d) *Fuel Tax Act, SA 2006 c. F-28.1;*
- e) *Gaming, Liquor and Cannabis Act, RSA 2000, c. G-1, restricted to sections 83, 84, 87, 89, 90.24, 90.25, 90.26, 90.27, 90.28, 90.29, 107, 108 and 115 subject to section 53 of the Police Act;*
- f) *Gaming, Liquor and Cannabis Regulation, AR 143/1996, restricted to section 87.1;*
- g) *Highways Development and Protection Act, SA 2004 c. H-8.5, restricted to local roads only;*
- h) *Innkeepers Act, RSA 2000, c. I-2;*
- i) *Petty Trespass Act, RSA 2000, c. P-11;*
- j) *Provincial Administrative Penalties Act, SA 2020, c. P-30.8;*
- k) *Provincial Offences Procedure Act, RSA 2000, c. P-34;*
- l) *Stray Animals Act, RSA 2000, c. S-20;*
- m) *Tobacco, Smoking, and Vaping Reduction Act, SA 2005, c. T-3.8;*
- n) *Tobacco Tax Act, RSA 2000, c. T-4;*
- o) *Traffic Safety Act, RSA 2000, c. T-6;*
- p) *Trespass to Premises Act, RSA 2000, c. T-7; and*
- q) any other provincial legislation pursuant to the Peace Officer Appointment, in writing.

## **Schedule "D"**

### **List of Bylaws**

The following is a list of Enoch Cree Nation Bylaws, but not limited to, and may be amended from time to time:

- a) Animal Care and Control Bylaw #2018-03
- b) Bylaw Enforcement Officer and Peace Officer Bylaw #2024-100-EOPO
- c) Curfew Bylaw #2003-60-CW
- d) Fire Services Bylaw #2004-800(L)
- e) Policing Bylaw
- f) Residency Bylaw #2003-900(L)
- g) Smoking Bylaw #2008-1000(L)
- h) Trespass Bylaw #2003-800-L
- i) Zoning Bylaw #2018-01