



SIKSIKA NATION PEACE OFFICER BY-LAW NO. 2022-01

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SIKSIKA NATION
PEACE OFFICER BY-LAW

BEING A BY-LAW OF THE SIKSIKA NATION WITH THE PURPOSE OF APPOINTING PEACE OFFICERS ON THE SIKSIKA NATION RESERVE.

WHEREAS the Siksika Nation has and continues to exercise an inherent Aboriginal and Treaty Right of self-government that is recognized and affirmed by Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11 and is protected by Blackfoot Treaty No. 7, 1877; and

WHEREAS since time immemorial the Siksika Nation's legal orders exist to maintain Pomiikapi (peace and harmony) with enforcement by Siksika traditional societies; and

WHEREAS the Siksika Nation continues to strive to ensure that matters related to law enforcement are carried out in a conscientious, respectful, peaceful and prompt manner; and

WHEREAS pursuant to Section 81 of the *Indian Act*, RSC 1985, c I-5, a council may make by-laws for any or all of the purposes set out in paragraph 81(1)(a)-(d) and (p); and

WHEREAS the Siksika Nation has been authorized to employ or engage Peace Officers pursuant to section 5 of the *Peace Officer Act*, SA 2006, c P-3.5;

AND WHEREAS the Council of the Siksika Nation deems it to be expedient and in the best interests of the Siksika Nation, and necessary for the benefit, comfort and safety of residents of the Reserve and for the protection of the Reserve, to allow for the appointment of Peace Officers who shall have the responsibilities as outlined in this By-law.

NOW THEREFORE, COUNCIL OF THE SIKSIKA NATION, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I – TITLE, DEFINITIONS, AND APPLICATION

1. SHORT TITLE

1.01 This By-law may be known as the "Peace Officer By-law".

2. DEFINITIONS

2.01 In this By-law, unless otherwise defined herein:

- (a) **“Authorized Provincial Legislation”** means the authority delegated to a Peace Officer by a Peace Officer Appointment to enforce and serve court documents in relation to legislation which may include:
- (i) *Animal Protection Act*, RSA 2000, c A-41;
 - (ii) *Dangerous Dogs Act*, RSA 2000, c D-3;
 - (iii) *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 Part 9, Division 2;
 - (iv) *Forest and Prairie Protection Act*, RSA 2000, c F-19 (restricted to section 18, 19, and 22, and does not include authority within a Forest Protection Area);
 - (v) *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 (restricted to sections 83, 84, 87, 89, 107, 108; and 115 subject to section 53 of the *Police Act*, RSA 2000, c P-17); authority to enforce the *Gaming, Liquor, and Cannabis Regulation*, Alta Reg 143/1996 (restricted to section 87.1);
 - (vi) *Highways Development and Protection Act*, SA 2004, c H-8.5 (restricted to local roads);
 - (vii) *Petty Trespass Act*, RSA 2000, c P-11;
 - (viii) *Provincial Offences Procedure Act*, RSA 2000, c P-34;
 - (ix) *Stray Animals Act*, RSA 2000, c S-20;
 - (x) *Tobacco, Smoking, and Vaping Reduction Act*, SA 2005, C T-3.8;
 - (xi) *Traffic Safety Act*, RSA 2000, C T-6;
 - (xii) *Trespass to Premises Act*, RSA 2000, C T-7; and

- (xiii) any other provincial legislation pursuant to the Peace Officer Appointment, in writing.
- (b) **“By-law”** means this Peace Officer By-law;
- (c) **“Council”** means the Council of the Siksika Nation, comprised of the Chief and Councillors, duly elected from time to time in accordance with the *Siksika Nation Customary Election Code*;
- (d) **“Misuse of Power”** by a Peace Officer shall mean any one or more of the following:
 - (i) Failure to perform or carry out their duties according to law;
 - (ii) Failure to perform or carry out the duties and responsibilities given to them within the terms of their appointment as a Peace Officer;
- (e) **“Peace Officer”** means a person appointed as a Peace Officer for the Siksika Nation pursuant to section 7 of the *Peace Officer Act*;
- (f) **“Peace Officer Appointment”** means the appointment of an individual, in writing, as a Peace Officer;
- (g) **“Reserve”** means Indian Reserve No. 146, or any other lands reserved for the Siksika Nation within the meaning of the *Indian Act*;
- (h) **“Siksika Public Safety Manager”** means the Siksika Public Safety Manager and/or any other person designated by the Tribal Manager to complete the duties pursuant to section 5 of the By-law or any designated persons in an acting capacity; and
- (i) **“Tribal Manager”** means Siksika Nation’s senior executive officer.
- (j) **“Weapons and Equipment”** means the authorization pursuant to the Peace Officer Appointment for carrying or use of the following while in the performance of Peace Officer duties:
 - (i) OC Spray;
 - (ii) A baton;
 - (iii) Emergency response units, as defined in the regulations under the *Traffic Safety Act* as amended from time to time, used by the Peace Officer for the purpose of carrying out the duties of a Peace Officer;
 - (iv) Handcuffs;

- (v) Personal protective equipment including a bullet resistant vest, a stab resistant vest or protective gloves, but not including SAP gloves or similar gloves;
- (vi) Particular equipment necessary to carry out the enforcement duties and responsibilities of the Peace Officer; and
- (vii) Tools and items necessary for the performance of the Peace Officer's duties and responsibilities.

3. APPLICATION

3.01 This By-law applies on the Reserve.

3.02 Where any federal or provincial law, or any other Nation by-law applies to any matter covered by this By-law, compliance with this By-law will not relieve a person from also complying with the provisions of any other applicable law, regulation or by-law.

PART II – POWERS AND DUTIES

4. TRIBAL MANAGER

4.01 The Tribal Manager shall:

- (a) appoint qualified individuals as Peace Officers, in consultation with the Siksika Public Safety Manager and following the Peace Officer Appointment process from the Office of the Solicitor General; and
- (b) consider appeals under section 12 of this By-law.

4.02 If the Tribal Manager has a conflict of interest, as defined by the Siksika Nation Administration Personnel Policies and Procedures, the duties of the Tribal Manager under this By-law shall be completed by the Chief Operating Officer, or any other individual as authorized by Council resolution.

5. SIKSIKA PUBLIC SAFETY MANAGER

5.01 The Siksika Public Safety Manager shall:

- (a) directly oversee the day-to-day activities of the Peace Officers;
- (b) authorize or require Peace Officers to carry out any powers, duties, or functions necessary to fulfill their responsibility for the preservation and maintenance of public peace;

- (c) grant written authorization to issue violation tickets under by-laws enacted by the Siksika Nation under section 81(1) of the *Indian Act*;
- (d) investigate and respond to any public complaints regarding an alleged Misuse of Power by a Peace Officer under this By-law; and
- (e) impose disciplinary or corrective action where it has been determined that there has been a Misuse of Power by a Peace Officer under this By-law, including the suspension or termination of the appointment of Peace Officers.

5.02 If the Siksika Public Safety Manager has a conflict of interest, as defined by the Siksika Nation Administration Personnel Policies and Procedures, the duties of the Siksika Public Safety Manager under this By-law shall be completed by the Protective Service Coordinator, or any other individual as authorized by Council resolution.

6. PEACE OFFICER

6.01 A Peace Officer shall:

- (a) be responsible for the enforcement of all by-laws enacted by the Siksika Nation unless otherwise specified in a by-law or Council resolution;
- (b) issue violation tickets for offences under by-laws enacted by the Siksika Nation;
- (c) enforce and serve court documents pursuant to the Authorized Provincial Legislation;
- (d) respond to and investigate public complaints;
- (e) conduct routine patrols of the Reserve;
- (f) assist the Siksika Nation Prosecutor in the prosecution of Siksika Nation by-laws and statutory offenses including appearances in court to provide evidence and service of subpoenas on potential witnesses;
- (g) preserve and maintain public peace on the Reserve;
- (h) carry or use Weapons and Equipment while in the performance of their duties;
- (i) comply with the Siksika Nation Administration Personnel Policies and Procedures; and

- (j) report to and carry out the directions of the Tribal Manager and the Siksika Public Safety Manager.

6.02 A Peace Officer shall not:

- (a) act in a disorderly or inappropriate manner;
- (b) act in a manner that would be harmful or is likely to discredit the reputation of law enforcement;
- (c) use profane, abusive or insulting language;
- (d) withhold or suppress a complaint against, or a report made about, a Peace Officer;
- (e) neglect, without a lawful excuse, to perform their duties promptly or diligently;
- (f) wilfully or negligently make or sign a false, misleading, or inaccurate statement in any official document or record;
- (g) without lawful excuse:
 - (i) destroy, mutilate, or conceal an official document or record, or
 - (ii) alter or erase an entry in any official document or record;
- (h) without lawful excuse, use their official position for personal advantage or another person's personal advantage;
- (i) exercise authority when it is unlawful or unnecessary to do so; and
- (j) apply excessive or otherwise inappropriate force in circumstances where force is used.

6.03 A Peace Officer shall not violate:

- (a) an Act or Regulation of the Parliament of Canada;
- (b) an Act or Regulation of the Legislature of Alberta; and
- (c) any by-law, Council resolution or directive of Council.

PART III – COMPLAINTS, DISCIPLINE, AND APPEALS

- 7. Any complaint concerning the alleged Misuse of Power by a Peace Officer shall be dealt with in accordance with the provisions set out in this Part.

8. RECEIPT OF COMPLAINT

- 8.01 All complaints shall be in writing and any complaints received verbally shall be confirmed in writing.
- 8.02 Upon receipt of any complaint, it shall immediately be forwarded to the Siksika Public Safety Manager.
- 8.03 The Siksika Public Safety Manager shall provide written acknowledgement of the complaint to the complainant and to the Peace Officer against whom the complaint was made within thirty (30) days.

9. INVESTIGATION

- 9.01 The Siksika Public Safety Manager shall investigate the complaint.
- 9.02 The Peace Officer shall be given the opportunity to make a full response to the allegations. The response shall be in writing and directed to the Siksika Public Safety Manager.
- 9.03 Upon review of the response of the Peace Officer and any other information the Siksika Public Safety Manager believes appropriate in the circumstances, the Siksika Public Safety Manager shall:
 - (a) dismiss the complaint as unfounded;
 - (b) dismiss the complaint as unsubstantiated; or
 - (c) find that there has been a Misuse of Power by the Peace Officer.
- 9.04 If the Siksika Public Safety Manager determines that a Misuse of Power has occurred, corrective disciplinary procedures pursuant to section 10 shall be commenced.
- 9.05 The Siksika Public Safety Manager may resolve complaints informally, arriving at a solution that is satisfactory to the complainant and the Peace Officer against whom the complaint was directed.

10. DISCIPLINARY ACTION

- 10.01 If it has been determined that a Misuse of Power has been committed by the Peace Officer, any one of the following measures may be taken by the Siksika Public Safety Manager:
 - (a) a reprimand of the Peace Officer;
 - (b) a suspension of the Peace Officer, with pay, for a period not to exceed two (2) weeks;

- (c) a suspension of the Peace Officer, without pay, for a period not to exceed two (2) weeks; or
- (d) termination of the appointment of the Peace Officer.

11. DISPOSITION

11.01 The Siksika Public Safety Manager shall notify the complainant and the Peace Officer, in writing, of the results of the investigation and the actions to be taken within ninety (90) days from the date of the receipt of the complaint.

12. APPEALS

12.01 If either the complainant or the Peace Officer wishes to appeal the decision of the Siksika Public Safety Manager, the appeal shall be delivered to the Tribal Manager within thirty (30) days of the date of receipt of notice of the results of the investigation.

12.02 Within sixty (60) days from the date of the receipt of the notice of appeal as provided for in section 12.01, the Tribal Manager shall review the complaint, investigation report, speak to person(s) involved as deemed necessary and review any other related documents associated with the complaint.

12.03 The Tribal Manager, in considering the appeal, may:

- (a) confirm the decision of the Siksika Public Safety Manager;
reverse the decision of the Siksika Public Safety Manager; or
- (b) vary the decision of the Siksika Public Safety Manager pursuant to section 10.01.

12.04 The Tribal Manager shall, within sixty (60) days from the date of receipt of the notice of appeal as provided for in section 12.01, notify the complainant and the Peace Officer, in writing as to the results of the appeal. The decision of the Tribal Manager regarding the appeal is final.

PART IV – GENERAL

13. MISCELLANEOUS

13.01 Nothing in this By-law relieves a person from complying with any applicable law, regulation, other Siksika Nation by-law or any requirements of any lawful permit, order, or other direction.

13.02 Where this By-law refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be varied, modified or replaced from time to time.

13.03 Every provision of this By-law is independent of all other provisions. If any provision of this By-law is declared invalid for any reason by a Court, all other provisions of this By-law shall remain valid and enforceable.

13.04 Words and phrases in this By-law importing the singular number only shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender and neutral.

14. **AMENDMENT**

14.01 This By-law may be amended by Council resolution. Any amendments will come into force on the date of publication in accordance with subsection 86(4) of the *Indian Act*.

15. **EFFECTIVE DATE**

15.01 This By-law comes into force on the date of publication in accordance with subsection 86(4) of the *Indian Act*.