

Alexis Nakota Sioux Nation

Peace Officer Bylaw



PEACE OFFICER BYLAW

Regulation #1

REGULATION PROVIDING PEACE OFFICERS WITH AUTHORITY WITHIN THE JURISDICTIONAL BOUNDARIES OF ALEXIS NAKOTA SIOUX NATION AND ALL LANDS IDENTIFIED IN THE PROVINCIAL AUTHORIZATION TO EMPLOY PEACE OFFICERS.

ALEXIS NAKOTA SIOUX NATION

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WHEREAS the Council of Alexis Nakota Sioux Nation approved and passed the *Peace Officer ByLaw* of Alexis Nakota Sioux Nation on _____, 2021

BEING A BYLAW OF ALEXIS NAKOTA SIOUX NATION IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF PEACE OFFICERS WITHIN ALEXIS NAKOTA SIOUX NATION NATION.

WHEREAS: The Peace Officer Ministerial Regulation 312/2006 with amendments up to and including Alberta Regulation 151/2011, Part 1 Employer Authorizations and Peace Officer Appointments S.2(1) Application for an Employer Authorization allows an applicant, that being ALEXIS NAKOTA SIOUX NATION the authorization to employ or engage the services of a Peace Officer under section 5 of the Act;

NOW THEREFORE: The Council of ALEXIS NAKOTA SIOUX NATION in the Province of Alberta, duly assembled, hereby enacts as follows respecting the safety, protection of people and property and the establishment of a Peace Officer Bylaw.

NOW THEREFORE, the Council of ALEXIS NAKOTA SIOUX NATION, duly assembled, hereby enacts as follows:

PART 1: INTERPRETATION

1 Definitions

- 1.0 This Bylaw may be cited as the ALEXIS NAKOTA SIOUX NATION Peace Officer Bylaw. In
- 2.0 this Bylaw, except where otherwise defined:
- 2.1** “**ACT**” means all acts carried under the Peace Officer official appointment;
- 2.2** “**ANIMAL CONTROL OFFICER**” means a Community Peace Officer, Level One or a duly appointed contractor holding a Level One Peace Officer Appointment as defined by the Police Act of Alberta Revised Statutes of Alberta 2000 Chapter P-17, current as of December 2, 2010;
- 2.3** “**ALLIED AGENCIES**” means all those agencies in which the Peace Officer or the Protective Services Unit is required to work with or liaise with. They include Police Services, RCMP, Provincial Peace Officers, Sheriffs, and Administration Peace Officers in other jurisdictions, Provincial Ministries, Alberta Emergency Management Agency, Corporate Health and Safety, Corporate Emergency Response , Teams, Commercial Vehicle Enforcement;
- 2.4** “**BYLAW**” means a Bylaw of ALEXIS NAKOTA SIOUX NATION;
- 2.5** “**CHIEF ADMINISTRATIVE OFFICER**” means the Chief Administrative Officer of the Nation appointed by Council, or his designate;
- 2.6** “**CARRY ON**” means to carry on, continue, operate, perform, keep, hold, occupy, deal in or use a thing, object or practice for gain;
- 2.7** “**COMMUNITY BASED POLICING**” means a philosophy that combines traditional aspects of law enforcement with prevention measures, problem-solving, community engagement, and community partnership incorporating the principles within the Public Interest;
- 2.8** “**COUNCIL**” means the duly elected officers of ALEXIS NAKOTA SIOUX NATION;
- 2.9** “**DANGEROUS GOODS**” means any product, substance or organism specified in the Regulations or included by its nature in any of the classes listed in the Regulations under the *Transportation of Dangerous Goods Control Act*, R.S.A. 1980, Chapter T- 6.5, as amended;
- 2.10** “**EMERGENT INCIDENT**” means a situation where Protective Services/Peace Officer is required to respond to a fire, explosion, dangerous goods, medical, rescue or other emergency event;

2.10.1 “NON-EMERGENT” INCIDENT means a situation whereby; a complaint has been registered, the Peace Officer has observed an infraction within the municipality, or a call is placed within the policy level of priority and not considered an emergency.

- 2.11 “EQUIPMENT”** means any tools, contrivances, devices or materials used by the Peace Officers within Protective Services;
- 2.12 “FEES AND CHARGES”** means ALEXIS NAKOTA SIOUX NATION Fees and Charges policies or Bylaw as amended from time to time;
- 2.13 FIRE CHIEF”** means the appointed Fire Chief whether paid on call or full-time employee for the First Nation that performs the duties and responsibilities of a Fire Chief, herein after known for the purposes of this bylaw the Fire Chief;
- 2.14 “INCIDENT COMMANDER”** means the first qualified Member of Protective Services in attendance at an Incident who assumes command in accordance with policies and procedures of the unit;
- 2.15 “JURISDICTION”** means that area of service presented by ALEXIS NAKOTA SIOUX 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;
- 2.16 “KIT”** means the Peace Officer’s uniform, weapons, identification, keys, computer codes, authorities, jurisdiction authority, vehicle keys, cell phones, pagers, coats, gloves, animal control devices;
- 2.17 “MANAGING DIRECTOR”** means the Executive Director, Capital Projects or his designate;
- 2.18 “NATION”** means ALEXIS NAKOTA SIOUX NATION;
- 2.19 “OFFICER”** means a Fire Department Member duly appointed as an Officer by the Fire Chief;
- 2.20 “PEACE OFFICER”** means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed pursuant to the provisions the Police Act of Alberta R.S.A. 2000, Chapter P-17, as amended or repealed and replaced from time to time:
- 2.19.1 “CONTRACTED PEACE OFFICERS”** are specifically assigned to a formal contract for service with ALEXIS NAKOTA SIOUX NATION;
- 2.19.2 “JURISDICTIONAL PEACE OFFICERS”** are specifically assigned a temporary jurisdictional change from their Municipality/Nation of origin to service ALEXIS NAKOTA SIOUX NATION through the auspices of a special event or a disaster with jurisdiction terminating at the end of the event.
- 2.21 “PROPERTY”** means any real or personal property which without limiting the generality of the foregoing includes land and structure;

- 2.22** **“PUBLIC INTEREST”** means using all powers responsibly, acting with honesty and transparency; and Preventing and addressing improper conduct.
- a) Peace Officers serve the public interest with integrity by avoiding actual or perceived conflicts of interest and not allowing decisions or actions to be influenced by personal or private interests;
 - b) Use their powers for the purpose, and in the manner, for which they were intended;
 - c) Act without bias, make decisions by following fair and objective decision-making processes and give reasons for decisions where required; and
 - d) Behave honestly and transparently, disclosing facts, and not hiding or distorting them. This includes prevention, addressing and reporting corruption, fraud and other forms of misconduct.
- 2.23** **“SERGEANT”** means the recognized rank structure as specified within the Solicitor General Public Security Peace Officer Program and within the Alberta Peace Officer Act, 2007.
- 2.24** **“STANDARD OPERATING PROCEDURES”** means those procedures guiding the Peace Officer Unit and the Peace Officers with one (1) updated copy lodged in the RCMP Detachment and one (1) original and updated copy lodged in the Protective Services Unit in the care and control of the Sergeant/Managing Director and updated copies for each Peace Officer dutifully employed;
- 2.25** **“SUPERVISOR/DIRECTOR OF PROTECTIVE SERVICES”** means the Supervisor and/or Director of Protective Services designated by the Chief Administrative Officer or any designated persons in an acting capacity;
- 2.26** **“VIOLATION TAG”** means a Nation-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to ALEXIS NAKOTA SIOUX NATION in lieu of prosecution for the offence;
- 2.27** **“VIOLATION TICKET”** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act RSA 2000 c. P-34 as amended from time to time.
- 2.28** **“WEAPONS”** means through Section 12(2) of the Peace Officer Act, Sections 3,4, and 8 of the Peace Officers Regulation and Section 2(2) of the Peace Officer Ministerial Regulation, provisions are provided for Peace Officers to use a variety of weapons, along with proper authorized employer approvals and policies and those approved weapons appearing on the Peace Officer Appointment. Peace Officer Level 1 may apply to carry a shotgun for the purposes of duties found within the Animal Protection Act, Dangerous Dogs Act, stray Animal Act, and Wildlife Act. OC (Oleoresin Capsicum") spray as defined in Section 4(1)(a) of the Peace Officers Regulation as long as the strength does not exceed 1.33% Major Capsaicinoids, is not a solvent based animal spray and has internal policies in place. Batons are approved weapons and must have the same restrictions and reporting structures.

PART 2: PROTECTIVE SERVICES PEACE OFFICER AUTHORITY

2.0 ALEXIS NAKOTA SIOUX NATION Chief and Council does hereby establish a Peace Officer Bylaw, for the purpose of:

- 2.1 Responding to emergent incidents with the intent to protect lives and preserve property in accordance with The Protective Services Standard Operating Procedures/Policies, Provincial Statute Authority, Peace Officer Provincial Appointments, Protective Services Business and Traffic Plan and all Administration Bylaws and policies and/or under any direction of the Fire Chief;
- 2.2 Responding to non-emergent incidents with the intent to protect lives and preserve property in accordance with section 2.1. including routine patrols, community based policing initiatives, and public engagement and education.
- 2.3 Responding to incidents as requested by allied agencies including ALEXIS NAKOTA SIOUX NATION The RCMP, ALEXIS NAKOTA SIOUX NATION Fire Department, Alberta Fish and Wildlife, Animal Control Officers, SPCA, Environmental Protection Officers and other agencies as requested;
- 2.4 Operating within the parameters of all pertinent legislation and appointed jurisdictions;
- 2.5 Issuing notices, orders, violation tickets, laying information, charging for fees and licenses, and other authorities within the Administration Bylaws, Provincial Statutes, Solicitor General Peace Officer Handbook amended from time to time, and the Unit's Standard Operating Procedures amended from time to time;
- 2.6 Investigating complaints, using professional discretion and applying tolerance of the law as designated by policy and standard operating procedures and appearing in court to provide evidence all within the definition of public interest;
- 2.7 Carrying upon his person at all such times as he is acting as a ALEXIS NAKOTA SIOUX NATION Community Peace Officer evidence in writing and bearing the uniform of his position as a Community Peace Officer representing ALEXIS NAKOTA SIOUX NATION;
- 2.8 Acting with discretion within the boundaries of his duty;

The Authority of a Community Peace Officer shall terminate when:

- 3.0
 - 3.1 The person ceases to be an employee of ALEXIS NAKOTA SIOUX NATION;
 - 3.2 The Chief Administrative Officer, The Managing Director or the Community Peace Officer Sergeant terminates the appointment of a Community Peace Officer;
 - 3.3 The Solicitor General of Alberta terminates the appointment of a Community Peace Officer;

- 4.0 Upon termination of an appointment; the Community Peace Officer shall turn in his weapons, badge, identification card and full uniform to the Managing Director, Sergeant in charge or the Chief Administrative Officer where the “kit” will be disassembled, and weapons stored;
- 5.0 The Chief Administrative Officer or his designate, that being the Managing Director in charge of Peace Officers may appoint contract FN Peace Officers;
- 6.0 All contract Peace Officers shall execute the form of contract set out by ALEXIS NAKOTA SIOUX NATION.
The duties of a Contract Peace Officer shall be as set out in the contract, including the start and expiry of the contract;
- 7.0 The appointment of any Contract Community Peace Officer may be terminated within the auspices of the signed contract by the Chief Administrative Officer or his designate in charge of Peace Officers, or by Resolution of Chief and Council;
- 8.0 The Chief Administrative Officer or his designate, namely the Managing Director or the Sergeant in charge of Peace Officers, may request jurisdictional amendments from the Solicitor General in emergency situations, large special events, or in the mutual aid of other municipalities as requested;
- 9.0 The Managing Director or the Sergeant in charge of Peace Officers may respond at his discretion to jurisdictional requests for mutual aid from other municipalities filing the required jurisdictional changes and requirements for service with the Solicitor General.

PART 3: REPORTING

- 3.0 ALEXIS NAKOTA SIOUX NATION Community Peace Officer(s) will report within the Protective Services Department and will consist of the appropriate complement of Peace Officers required to enact the duties as prescribed by ALEXIS NAKOTA SIOUX NATION. Upon future growth of the program implement a Sergeant Position. Contracted Peace Officers, or events requiring additional Peace Officer jurisdiction of ALEXIS NAKOTA SIOUX NATION will report to the Lead Peace Officer, Sergeant of Peace Officers or other designated officers.

PART 4: POWERS

- 4.0 Powers of the Nation’s Community Peace Officers are authorized under ALEXIS NAKOTA SIOUX NATION Bylaws and within the Provincial Offenses and Procedures Act Revised Statutes of Alberta 2000 Current as of November 02, 2010 and amended from time to time.

PART 5: SEVERABILITY

5.0 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.

THIS BY-LAW IS HEREBY DULY ENACTED by Council on the ____ day of ____, 20__, at Alexis, in the Province of Alberta.

A quorum of Council consists of _____ members of Council

Chief Tony Alexis

Band Councillor Darwin Alexis

Band Councillor Willard Alexis

Band Councillor Dwayne Alexis

Band Councillor Erwin Letendre

Band Councillor Hank Alexis

Band Councillor Lonnie Letendre

Band Councillor Corrine Potts