

ENGLISH RIVER FIRST NATION

By-Law No. 2023-07

WHEREAS English River First Nation is an independent nation;

AND WHEREAS section 81(1) subsections (a), (b), (c), (d), (p) and (p.1) of the Indian Act empowers and authorizes Council to make bylaws to provide for the safety, health and welfare of residents, the protection of property and the observance of law and order on Reserve as well as the removal and punishment of persons trespassing on the Reserve or frequenting the Reserve for prohibited purposes, 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 has determined that it is desirable that Community Safety Officer program be established for English River First Nation;

AND WHEREAS it is considered to be expedient and necessary for the benefit, comfort and safety of the inhabitants of the English River First Nation to provide for the observance of law and order on the Reserve, the prevention of disorderly conduct and nuisances and for the residence of Band Members and other persons on Reserve;

AND WHEREAS subsection 81(1)(r) of the *Indian Act* provides that Council may impose on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for a violation of a by-law made under this section;

AND WHEREAS English River First Nation has been authorized by the Ministry of Corrections, Policing and Public Safety for the Province of Saskatchewan to employ or engage Community Service Officers;

AND WHEREAS the Council of English River First Nation deems it necessary to implement a bylaw to regulate the behaviour, action, omissions and discipline of an English River First Nation Community Service Officer.

THEREFORE, the Council of English River First Nation enacts this Community Safety Bylaw as follows:

1. SHORT TITLE

- 1.1 This By-Law may be cited as the English River First Nation "Community Safety Officer By-Law".

2. DEFINITIONS

- 2.1 **"Band Member"** means any treaty Indian registered as a member of the First Nation in accordance with the Registrar of Indian Status and membership which is prescribed by Treaty and maintained by the Crown as represented by the Government of Canada and/or as may be established and maintained by the First Nation from time to time.
- 2.2 **"By-Law"** means this Community Safety Officer By-Law, passed by Council.
- 2.3 **"Community Safety Officer or CSO"** means any community safety officer appointed as such by Council and includes the Special Constable designation, subject to Part V of *The Police Act, 1990*.
- 2.4 **"Council"** means the Council of English River First Nation.
- 2.5 **"First Nation"** means the English River First Nation.
- 2.6 **"Offence"** means any offence under any of the First Nation's By-Laws or under any of the Statutes set out at section 3.5.2 of this By-Law, which the CSO is legally able to enforce.
- 2.7 **"Public Property"** means and includes any building, bridge, park or facilities and equipment located therein, and any land, body of water, structure, premises or equipment of whatsoever nature belonging to the First Nation or maintained by the Council or any of its staff or committees on behalf of the Band Members of the First Nation.
- 2.8 **"Reserve"** means the lands set apart by His Majesty the King in right of Canada for the use and benefit of the First Nation.
- 2.9 **"Ticket"** means a violation ticket issued by a CSO pursuant to the First Nation's By-Laws or *The Summary Offence Procedures Act* and *The Indian Act*.

3. JURISDICTION

- 3.1 CSO's are authorized to act in the area of service constituted by the Reserve lands of English River First Nation.
- 3.2 Community Service Officer's shall be appointed as Special Constables (together CSO) subject to Part V of *The Police Act, 1990*.

- 3.3 CSO's are authorized to act in the area of services presented by the First Nation and authorized by the Province of Saskatchewan with the Transfer Agreement.

4. POWERS AND DUTIES OF COMMUNITY SAFETY OFFICER

- 4.1 CSO's are to carry upon them, at all times which acting as CSO, evidence in writing of their appointment and bear the uniform of their position as CSO representing the First Nation.
- 4.2 CSO's will:
- 4.2.1 be responsible for the enforcement of all By-Laws of the First Nation;
- 4.2.2 be responsible for the enforcement of the following Statutes of Saskatchewan and all regulations thereunder, as amended from time to time, and serve court documents, relating to:
- a) *The Traffic Safety Act;*
 - b) *The Alcohol and Gaming Regulations, 1997*
 - c) *The Highways and Transportation Act, 1997*
 - d) *The Environmental Mgmt and Protection Act, 2010*
 - e) *The All-Terrain Vehicles Act;*
 - f) *The Snowmobiles Act;*
 - g) *The Municipalities Act;*
 - h) *The Trespass to Properties Act;*
 - i) *The Mental Health Services Act;*
 - j) *The Stray Animals Act;*
 - k) *The Summary Offence Procedures Act;*
 - l) *The Tobacco and Vapour Products Control Act*
 - m) *The Cannabis Control (Saskatchewan) Act*
 - n) *Any other Provincial Statutes that the CSO is given authorization to enforce pursuant to their appointment as CSO issued by the Minister of Corrections, Policing and Public Safety for the Province of Saskatchewan.*
- 4.2.3 exercise all powers, duties, functions of a designated officer to conduct any inspections, remedies, or enforcement authorized or required by a By-Law or Statute or Regulation, as set out in this By-Law.

- 4.2.4 carry out the directions of Council, in accordance with the By-Laws and Provincial Statutes.
 - 4.2.5 respond to all incidents with the intent to protect lives and preserve Property;
 - 4.2.6 conduct routine patrols;
 - 4.2.7 carry out community-based enforcement initiatives, public engagement and education;
 - 4.2.8 respond to incidents pursuant to the First Nations' By-Laws and the applicable Provincial Statutes listed at section 4.2.2 of this By-Law;
 - 4.2.9 issue Tickets for Offences under the First Nations' By-Laws and applicable Provincial Statutes in accordance with *The Summary Offence Procedures Act* and *The Indian Act*;
 - 4.2.10 act in accordance with and pursuant to the CSO Program Policy, Provincial Statute Authority, and Special Constable appointment;
 - 4.2.11 exercise all powers, duties and functions of a CSO and Special Constable to conduct inspections, remedies, or enforcement as authorized and required by By-Law and Provincial Statute; and
 - 4.2.12 appear in court to provide evidence as required.
- 4.3 CSO's are not authorized to carry or use weapons or firearms unless they have fully complied with Section 82 of *The Police Act*, 1990, and are specifically authorized by the Minister to carry firearms in the terms of their appointment as Special Constables.

5. COMPLAINT PROCESS FOR CSO

- 5.1 A complaint against a CSO must be in writing and received by the employer, English River First Nation.
- 5.2 The Employer will, within 30 days and in writing, acknowledge receipt of the complaint to the complainant and notify the CSO involved in the complaint, if appropriate.
- 5.3 The First Nation will submit details of the complaint made to the Minister of Corrections, Policing and Public Safety (Saskatchewan).

- 5.4 The First Nation will investigate and dispose of the complaint in accordance with the procedures set out in CSO Program Policy.
- 5.5 The First Nation will notify the complainant involved and Minister of Corrections, Policing and Public Safety (Saskatchewan) as to the status of the investigation at least once every 45 days.
- 5.6 Upon conclusion of the investigation, the First Nation will notify the complainant, the CSO involved and Minister of Corrections, Policing and Public Safety (Saskatchewan), in writing, of the disposition of the complaint and the reasons for the disposition.
- 5.7 The First Nation will notify the complainant and the CSO involved in the complainant's rights to have the First Nation's disposition of the complaint review by the Minister of Corrections, Policing and Public Safety (Saskatchewan).
- 5.8 The First Nation may refuse to investigate or may discontinue the investigation of a complaint if, in the opinion of the First Nation's opinion the complaint is frivolous, vexatious or made in bad faith, or having regard to all the circumstances, no investigation is necessary.

6. CSO CODE OF CONDUCT

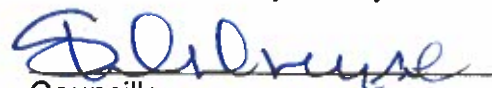
- 6.1 A CSO shall comply with the terms and conditions of the First Nation's employment authorization and the First Nation's Code of Conduct.
- 6.2 A CSO shall comply with the terms and conditions of Special Constables appointment.
- 6.3 A CSO is prohibited from engaging in disorderly or inappropriate conduct, or acting in a way that would be harmful to the discipline of CSO or that is likely to discredit the office of the CSO.
- 6.4 A CSO shall be prohibited from withholding or suppressing information, complaints or reports about any other CSO's or Special Constables.
- 6.5 A CSO shall comply promptly and diligently perform the CSO's duties and responsibilities.
- 6.6 A CSO is prohibited from making or signing false or misleading or inaccurate statements.

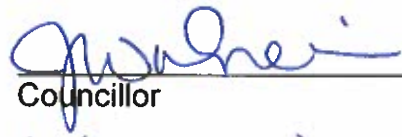
- 6.7 A CSO is prohibited, without lawful excuse, from destroying, mutilating or concealing records or property or altering or erasing an entry in a record.
- 6.8 A CSO shall respect when confidentiality must be maintained.
- 6.9 A CSO shall promptly account for or return money or property that the CSO receives in their capacity as CSO.
- 6.10 A CSO shall be prohibited from activities that may or will result in a conflict of interest or an apprehension of, or lack of integrity in the office of the CSO.
- 6.11 A CSO shall be prohibited from using the CSO position for his or her own advantage or another person's advantage.
- 6.12 A CSO shall be prohibited from exercising the CSO's authority when it is unnecessary to do so.
- 6.13 A CSO shall be prohibited from consuming alcohol or any non-prescribed drugs while on duty.
- 6.14 A CSO shall, except in the performance of their duties, be prohibited from possessing controlled drugs and controlled substances, the possession of which is prohibited by law; and
- 6.15 A CSO shall act in the public interest, meaning using all powers reasonably, acting with honesty and transparency and preventing and addressing improper conduct.

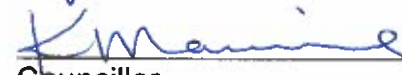
7. GENERAL

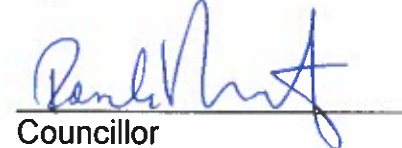
- 7.1 If any section or sections of this By-Law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-Law shall be deemed to be separate and independent there from and to be enacted as such.
- 7.2 This By-Law shall come into force and effect upon the adoption by Council and the publishing of the By-Law.

APPROVED AND PASSED at duly convened meeting of Chief and Council of the English River First Nation in the Province of Saskatchewan this 12th day of July, 2023.


Councillor


Councillor


Councillor


Councillor