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Grand Council of the Crees (Eeyou Istchee)
Grand Conseil des Cris (Eeyou Istchee)

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Cree Nation Government
Gouvernement de la Nation Crie

Cree Nation Government

BYLAW 2010-30

2023 Consolidation of the By-Law Concerning Policing

Adopted October 20, 2010

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WHEREAS the 2002 Paix des Braves and the 2008 New Relationship Agreement with Canada provided for the replacement of the concepts of "Cree Units of the Quebec Police Force" and "Cree Local Police Force" in the James Bay and Northern Quebec Agreement with a new concept of "Cree Regional Police Force";

WHEREAS, as part of Cree Nation governance, the Cree Nation Government exercises various governmental functions and further steps are being taken to create a Cree Nation Government;

WHEREAS Section 19 of the James Bay and Northern Quebec Agreement, as amended by Complementary Agreement No. 19, provides that this regional police force, the Eeyou-Eenou Police Force, is to be established under the administration of the Cree Nation Government;

WHEREAS Section 19 of the James Bay and Northern Quebec Agreement provides that the Eeyou-Eenou Police Force is to be a police force within the meaning of the Police Act, R.S.Q., c. P-13.1 (Police Act);

WHEREAS the Police Act provides that the Cree Nation Government is to be considered a municipality for the purposes of the Police Act by virtue of the establishment of the Eeyou-Eenou Police Force and provides that this Act applies to it with the necessary modifications, subject to Division V.1 of Chapter I of Title II of the Police Act,

WHEREAS the Cree Nation Government is to be the employer of the police officers, special constables and the non-police personnel of the Eeyou-Eenou Police Force;

WHEREAS Section 19 of the JBNQA, the Police Act, Part XVI of the Cree-Naskapi (of Quebec) Act, and the Modalities Agreement, as defined herein, determine the jurisdiction of the Eeyou-Eenou Police Force;

WHEREAS the Cree Nation Government may create a committee dedicated to public security in accordance with section 31 of An Act respecting the Cree Nation Government, R.S.Q. c. G-1.031 and section 102.10 of the Police Act, R.S.Q, c. P-13.1, which committee is re-established as the Cree Nation Government Police Commission pursuant to this By-law;

WHEREAS the Cree Nation Government, the Eeyou-Eenou Police Force and the Cree Nation Government Police Commission shall be governed by the present Cree Nation Government Policing By-Law with respect to policing matters;

NOW THEREFORE the Cree Nation Government adopts this By-law, as follows:

PART I

PURPOSE OF THE CREE NATION GOVERNMENT POLICING BY-LAW

1. The purpose of the present By-Law is, as part of Cree Nation governance and within the framework of Section 19 of the James Bay and Northern Quebec Agreement and of related legislation and agreements, to:

    a) provide for rules regarding the organization of the Eeyou-Eenou Police Force, the inspection thereof, its jurisdiction and services, its direction, its classes of officers and

special constables and their ranks, their duties and powers and other issues regarding the Eeyou-Eenou Police Force;

b) re-establish the Cree Nation Government Police Commission and determine its mandate and its role;

c) establish procedures regarding financial matters, including with respect to the preparation and approval of the annual budget for the Eeyou-Eenou Police Force and the Cree Nation Government Police Commission and the delegation of certain authorization powers with respect to material and financial resources including equipment;

d) establish procedures relating to certain human resources matters;

e) establish an internal complaints and disciplinary procedure as well as an appeal process for internal disciplinary matters regarding the police officers and special constables of the Eeyou-Eenou Police Force in addition to the applicable provisions of the Police Act dealing with ethics and standards of conduct.

PART II
DEFINITIONS

2. For the purposes of this By-Law:

a) Appeal Committee means the Appeal Committee of the Cree Nation Government Police Commission established pursuant to section 191 of this By-law;

b) Category I, II and Ill lands have the same meaning as in the James Bay and Northern Quebec Agreement;

c) Civilian Staff means the non-police personnel of the Eeyou-Eenou Police Force, including specialists in various areas whose services are required to fulfill the mission of the Eeyou-Eenou Police Force;

d) Code of Civil Procedure means the Code of Civil Procedure of Quebec, R.S.Q., c. C- 25, as amended from time to time;

e) Cree Band means a Cree band incorporated pursuant to subparagraph 9.0.1(a) of the JBNQA and section 12 of the Cree-Naskapi (of Quebec) Act, as these are amended from time to time, and for the purposes of this By-law also means the collectivity composed of persons identified as affiliated with the community known as Ouje- Bougoumou and enrolled or entitled to be enrolled as Cree beneficiaries pursuant to Section 3 of the JBNQA until such collectivity is incorporated as the Ouje- Bougoumou Band pursuant to section 12.1 of the Cree-Naskapi (of Quebec) Act, and thereafter includes the Ouje-Bougoumou Band;

f) Cree-Naskapi (of Quebec) Act or CNQA means the Cree-Naskapi (of Quebec) Act, S.C. 1984, c. 18, as amended from time to time;

g) Cree Nation Government means the public corporation duly constituted under chapter 89 of the Statutes of Quebec 1978, now the legal person duly established in the public

interest under the Act respecting the Cree Nation Government, R.S.Q. c. G-1.031;

h) Cree Nation Government Act means An Act respecting the Cree Nation Government, R.S.Q. c. G-1.031, as amended from time to time;

i) Cree Nation Government Consolidated General By-Law means Eeyou Tapaytachesoo, Cree Nation Government, Administration Regionale Crie By-law No. 27 (As amended from time to time and consolidated annually);

j) Cree Nation Government Council means the Council of the Cree Nation Government as established by the Cree Nation Government Act;

k) Cree Nation Government Executive Committee means the Executive Committee of the Cree Nation Government Consolidated General By-Law; • Cree Nation Government Management Committee means the Cree Nation Government Committee contemplated by Cree Nation Government Consolidated General By-Law;

m) Cree Nation Government Police Commission means the Cree Nation Government Police Commission established pursuant to Title IV of this By-Law;

n) Cree Nation Government Police Commission Code of Ethics and Professional Conduct means the Code of Ethics and Professional Conduct attached to this By-Law as Schedule 3 and forming an integral part of this By-Law;

o) Cree Nation Government Police Commission Human Resources Committee means the Human Resources Committee of the Cree Nation Government Police Commission established pursuant to section 114 of this By-law;

p) Cree Nation Government-Quebec SQ-EEPF Agreement means the arrangements to be determined by agreement between the Cree Nation Government and the Gouvernement du Quebec in conformity with paragraph 19.3(b) of the JBNQA and section 102.7 of the Police Act;

q) Criminal Code means the Criminal Code,• R.s .c . 1985, c. C-46, as amended from time to time;

r) Disciplinary Adjudicator means a Senior Officer, the Police Director or another individual, as applicable, who is mandated to decide a discipline- related complaint pursuant to Subdivision 3.2 of Title VI ;

s) Eeyou-Eenou Police Force or EEPF means the regional police force established by the Cree Nation Government by GCCEI-Cree Nation Government Council-Board resolution and by virtue of Section 19 of the JBNQA as amended by Complementary Agreement No. 19 and Division V.I of Chapter I of Title II of the Police Act;

t) Eeyou Marine Region Agreement means the Agreement between the Crees of Eeyou lstchee and her Majesty the Queen in Right of Canada concerning the Eeyou Marine Region, signed on July 7, 2010.

u) Financial Year means the period from April 1 of a given calendar year to March 31 of the following calendar year;

v) Inspector means an individual contemplated by section 67;

w) Investigator means an individual contemplated by section 153, or in the case of a disciplinary complaint involving the Assistant Director, an individual contemplated by section 185.a);

x) James Bay and Northern Quebec Agreement or JBNQA means the agreement approved, given effect and declared valid by the James Bay and Northern Quebec Native Claims Settlement Act (Chapter 32 of the Statutes of Canada, 1976-77) and the Act approving the Agreement concerning James Bay and Northern Quebec (1976 , c. 46) and as amended by certain Complementary Agreements;

y) Labour Code or Canada Labour Code means the Canada Labour Code, R.S.C.,1985, c. L-2, as amended from time to time;

z) Minister means the Minister of Public Security of Quebec;

aa) Modalities Agreement means the "Agreement Concerning the Modalities relating to the Provision of Police Services by the Eeyou-Eenou Police Force" between the Gouvernement du Quebec and the Cree Nation Government which came into force on June 18, 2009, and as applicable, subsequent versions of this agreement as amended or replaced from time to time;

bb) New Relationship Agreement means the Agreement Concerning a New Relationship between the Government of Canada and the Crees of Eeyou lstchee of February 21, 2008;

cc) Officer means, for the purposes of this By-law, a police officer, member of the EEPF, who is not a Senior Officer, and for clarity, does not include a Special Constable;

dd) Paix des Braves means the Agreement concerning a New Relationship between the Gouvernement du Quebec and the Crees of Quebec of February 7, 2002;

ee) Police Act means the Police Act, R.S.Q, c. P-13.1, as amended from time to time;

ff) Police Director means the person appointed by the Cree Nation Government to assume the direction and command of the Eeyou-Eenou Police Force and to oversee the administration and internal management of such police force on a day- to-day basis, in accordance with this By-law;

gg) Policing Working Conditions By-Laws mean the Cree Nation Government Special Constables Working Conditions By-law, Cree Nation Government Officers Working Conditions By-law and Cree Nation Government Senior Officers Working Conditions By-law to be approved, as amended from time to time;

hh) Section 107 Special Constable means a Special Constable appointed by the Minister;

ii) Section 108 Special Constable means a Special Constable appointed by the Chair of the Cree Nation Government or the Vice-Chair of the Cree Nation Government pursuant to section 58;

jj) Senior Officer means a police officer, member of the EEPF, other than an Officer, who is not an employee within the meaning of the Canada Labour Code (R.S.C. 1985, c. L- 2), including those police officers holding the rank of inspector, captain, lieutenant or a higher rank within such police force, and for clarity, does not include a Special Constable;

kk) Special Constable means, unless otherwise specified in a given provision of this By-law, a special constable of the EEPF within the meaning of either section 107 or section 108 of the Police Act, who retains such status subsequent to the establishment of the EEPF;

ii) Special Disciplinary Adjudicator means the individual appointed to act as a Disciplinary Adjudicator pursuant to section 185.c).

PART III
EEYOU-EENOU POLICE FORCE

Division 1 EEPF Establishment and Mission

3. The EEPF shall be established by the Cree Nation Government by a specific resolution of the Cree Nation Government Council, on the date specified therein. For the purposes of Cree Nation Government Consolidated General By-Law, the EEPF shall be considered a Cree Nation Government department.

4. The mission and responsibilities of the Eeyou-Eenou Police Force and those of each of its Special Constables, Officers and Senior Officers include maintaining peace, order and public security, preventing and repressing crime and other legal offences, apprehending offenders and enforcing the by-laws and regulations of the Cree authorities within the scope of their respective powers and jurisdiction.

Division 2 EEPF Jurisdiction and Services

5. In order to carry out their mission, the Eeyou-Eenou Police Force and its Special Constables, Officers and Senior Officers shall provide police services as set out in Section 19 of the JBNQA, the Police Act, the Cree-Naskapi (of Quebec) Act and as determined by the Modalities Agreement, which entail the provision of the following services in conformity with section 2 and Schedule B of the Modalities Agreement in the territorial areas described in section 6 of this By-law:

a) POLICING: • Round-the-clock patrol • Response within a reasonable time to any request for help from a citizen • Road patrolling • Enforcement of the Act respecting off-highway vehicles and off-road vehicle and snowmobile trail patrol • Recreational boating safety • Escort for outsized vehicles • Transportation of accused persons • Hit and run incidents • Prevention programs • Crime scene securing • Hostage taking or

sniper (preliminary validation and sealed-off zone)

b) INVESTIGATIONS: Subject to the obligations corresponding to higher levels, any criminal or penal offence under their jurisdiction, in particular those relating to: • Kidnapping • Sexual assault • Assault (any type) • Robbery • Breaking and entering • Fire • Auto theft • Production, trafficking and possession of illicit drugs at local or street level • Bawdy-houses and street prostitution • Bad cheques, credit card or debit card fraud • Scams (false pretence or false statement) • Theft and possession of stolen goods • Offence-related property • Motor vehicle accidents • Mischief • Reckless driving • Impaired driving Any investigation relating to incidents such as: • Human deaths (drowning, suicide, etc.) • Disappearances • Runaways

c) EMERGENCY MEASURES • Peaceful crowd control • Rescue operations • Forest search and rescue • Emergency response to local disaster

d) SUPPORT SERVICES • Crime analysis • Crime scene dusting and photography • Criminal intelligence relating to persons, groups or phenomena located in their territory and control of sources • Routine contribution to the Violent Crime Linkage Analysis System (VCLAS) and to the Service de renseignement criminel du Quebec (SRCQ) • Detention • Custody of exhibits • Court liaison • DNA sample collecting • Warrant management and tracking of individuals • Records management • Public affairs • Quebec Police Intelligence Centre (QPIC) input and retrieval • Internal affairs • Telecommunications • Technical equipment and use of force instructor • Breath analysis expert

6. The Eeyou-Eenou Police Force shall be responsible for police services within the following territorial areas:

a) the Category IA lands;

b) the Category 18 lands, including Special Category 18 lands, as well as any other lands forming the territory of a Cree village within the meaning given to those terms in the Cree Villages and the Naskapi Village Act (R.S.Q., C. V-5.1);

c) the Category II or Category Ill lands situated within the perimeter of the Category I lands of a Cree community;

d) if the Category I lands of a Cree community are bounded on any side by navigable or other waters, or by the bank or shore of such waters, the expanse in front of those lands, to the middle of such waters, including the islands and outcrops in such waters, if it is not already part of Category I lands of a Cree community; if, however, the waters fronting those lands are wider than 3 kilometres, this responsibility shall not be exercised beyond 1.5 kilometres from the bank or shore without the agreement of the CREE NATION GOVERNMENT and Quebec;

e) in the community of Ouje-Bougoumou, including the Categories IA and 18 lands of Ouje-Bougoumou, which shall be delimited in collaboration with Quebec through a Complementary Agreement to the JBNQA;

f) on the following paths, roads and adjacent lands as agreed between the Cree Nation Government and Quebec in schedule A of the Modalities Agreement:

i) Waswanipi Road 113 for a distance of 20 kilometres each side of the junction with the access road for Waswanipi. This includes a corridor of 500 metres each side of the road.

ii) Nemaska The access road to Nemaska from the junction of the "Route du Nord" to the community of Nemaska. This includes a corridor of 500 metres each side of the road. The "Route du Nord" from the junction of the Matagami-Radisson road to the junction of the access road to Nemaska. This includes a corridor of 500 metres each side of the road.

iii) Ouje-Bougoumou The access road from the junction of Road 113 to the Ouje-Bougoumou village site. This includes a corridor of 500 metres each side of the road.

iv) Waskaganish, Eastmain, Wemindji The access roads to the communities of Waskaganish, Eastmain. and Wemindji from the junction of Matagami-Radisson road westward to the communities. This includes a corridor of 500 metres each side of the roads.

v) Chisasibi The access road to the community of Chisasibi from the junction of the Matagami- Radisson road westward to James Bay. This includes a corridor of 500 metres each side of the road excluding the LG-1 site and the access road to the LG-1 site. The road on the North shore of the La Grande River from the North shore access road to the LG-1 site westward to James Bay. This includes a corridor of 500 metres each side of the road excluding the LG-1 site and the access road to the LG-1 site.

vi) Mistissini The access road to the community of Mistissini from the junction with Road 167 to the community of Mistissini. This includes a corridor of 500 metres each side of the road. Road 167, one kilometre North of the junction with the access road to the community of Mistissini and South of kilometre 274. This includes a corridor of 500 metres each side of the road.

g) on Category II and Ill lands contemplated by paragraph 22.1.6 of the JBNQA, in collaboration with the Surete du Quebec, in accordance with the Cree Nation Government-Quebec SQ-EEPF Agreement;

h) on the coming into force of the Eeyou Marine Region Agreement, in the Eeyou Marine Region (excluding the Inuit Zone) within the meaning given to those terms in that Agreement.

7. In accordance with section 194 of the Cree Naskapi (of Quebec) Act, the Eeyou- Eenou Police Force has jurisdiction to enforce any by-law of a Cree Band or the Cree Nation Government, or any law of Canada or Quebec applicable within the territorial areas contemplated by section 6 of this By-law.

Division 3 EEPF Police Director

8. The Eeyou-Eenou Police Force shall be under the direction and command of a Police Director appointed by the Cree Nation Government Council.

9. The hiring and qualification requirements for a Police Director are set out in Schedule C of the Modalities Agreement. The Police Director's conditions of employment shall be determined by the Cree Nation Government Management Committee.

10. The Police Director shall be appointed for a term of at least five years, unless otherwise agreed by the Cree Nation Government and the Gouvernement du Quebec. In the event that such appointment is not to be renewed, the Cree Nation Government shall provide notice to the Police Director at least six months before the end of the appointment.

11. Where the position of Police Director is vacant, the Cree Nation Government Council shall appoint an interim Police Director without delay. For the purposes of Cree Nation Government Consolidated General By-Law, the EEPF Police Director shall be considered a Cree Nation Government department director.

12. Eeyou-Eenou Police Force Special Constables, Officers, Senior Officers and the Police Director shall have exclusive authority over police investigations. For greater clarity, no other Cree Nation Government member, department or committee, including The Cree Nation Government Police Commission, shall have authority over police investigations.

13. The Police Director shall take the oaths set out in Schedule 1 and Schedule 2 hereto before the Cree Nation Government Chair. Officers and Senior Officers shall take the same oaths before the Police Director, pursuant to sections 60 and 63. Special Constables shall take the oaths pursuant to Division 9 of this Title Ill.

14. The Police Director is authorized, in the exercise of his functions and within the territorial jurisdiction of the EEPF, to administer the same oaths as a commissioner for oaths appointed under the Courts of Justice Act (R.S.Q ., c. T-16).

15. The Police Director shall establish a professional training plan with the following principal objectives:

    a) to update the knowledge and skills of Special Constables, Officers and Senior Officers with respect to the type of police work to which they are assigned, and to establish personal training records for each of them;

    b) to propose career paths for individual Special Constables, Officers and Senior Officers on the basis of their respective interests and the needs of the Eeyou-Eenou Police Force and, more specifically, to plan and implement professional training programs to enable them to assume police investigation or police management functions;

    c) to facilitate the identification of Special Constables, Officers and Senior Officers suited for specialization in a particular type of police work or better suited to a type of police work other than that in which they are currently involved; and

    d) to define advanced training and in-service training needs.

16. The training plan contemplated by section 15 shall specify the EEPF management positions for which a police management diploma is mandatory. Such police management diploma shall either be issued or recognized by the Ecole nationale de police du Quebec.

17. The training plan contemplated by section 15 shall be updated annually and provided to the Ecole nationale de police du Quebec not later than April 1 of a given year in the form determined by the latter, with a summary of the training undertaken and completed by Special Constables, Officers, Senior Officers and the Police Director in the preceding year. This training plan and summary shall also be provided to the Cree Nation Government Police Commission within the same time frame.

18. The provisions of the Police Act dealing with the powers and responsibilities of municipal police directors apply mutatis mutandis to the Police Director including with respect to:

    a) cross-border powers of police officers provided in Division 1 of Chapter 1.1 of the Police Act;

    b) Special Constables;

    c) administration of the same oaths as a commissioner of oaths appointed under the Court of Justice Act (R.S.Q., c. T-16), as amended from time to time, within the territory described in section 6;

    d) incompatible functions and conflicts of interest;

    e) restrictions on the exercise of certain political activities; and

    f) police ethics.

19. The Cree Nation Government may not dismiss or reduce the salary of the Police Director, whatever his conditions of employment, except for cause and by a resolution adopted by an absolute majority of the members of the Cree Nation Government Council and served on the Police Director in the same manner as a summons under the Code of Civil Procedure. A decision to dismiss the Police Director shall result in his immediate suspension without pay.

20. The dismissal or reduction of salary contemplated by section 19 shall be effective:

    a) upon acquiescence by the Police Director; or

    b) on the date of the final ruling of a contestation of a decision made pursuant to section 19 or on the date of expiry of the time for such a contestation.

Division 4 Reporting

21. The Police Director shall transmit to the Cree Nation Government Chair, to the Cree Nation Government Police Commission Chair and to the Minister, before April 1 of a given year, a report of activities concerning the progress of all disciplinary, conduct-related and criminal investigations involving Special Constables, Officers and Senior Officers and related corrective measures that have been implemented, if any, in the preceding year.

22. The Police Director shall transmit to the Cree Nation Government Chair, to the Cree Nation Government Police Commission Chair and to the Minister, before April 1 of a given year, an

annual report in the form determined by the Minister concerning all search warrant applications made in the preceding year.

23. The Police Director shall present to the Annual General Assembly of the Cree Nation Government, to the Cree Nation Government Police Commission, and if required, to the Cree Nation Government Council, an annual report including the following:

    a) a report on the administration and activities of the Eeyou-Eenou Police Force;

    b) a detailed report on disturbances to order and public security and on the crime rate in the Cree communities and in the James Bay territory and, where appropriate, on the measures the Eeyou-Eenou Police Force intend to implement in the coming year to address these issues.

24. The Cree Nation Government Police Commission shall submit an annual report on its activities to the Annual General Assembly of the Cree Nation Government.

25. The Cree Nation Government Police Commission shall also present to the Cree Nation Government Council at least once annually a report signed by the Cree Nation Government Police Commission Chair or a majority of the Cree Nation Government Police Commission members regarding its activities.

26. Additional reports shall be presented by the Cree Nation Government Police Commission Chair to the Cree Nation Government Council at the latter's request.

27. The Police Director shall notify the Cree Nation Government Chair, the Cree Nation Government Police Commission Chair and the Minister without delay of any allegation of the commission of a criminal offence by a Special Constable, Officer or Senior Officer, unless the Police Director considers, after consulting the Director of Criminal and Penal Prosecutions, that such allegation is frivolous or unfounded.

28. No later than 45 days from the date of a notification contemplated by section 27, and every three (3) months thereafter, the Police Director shall advise the Cree Nation Government Chair, the Cree Nation Government Police Commission Chair and the Minister, in writing, of the status of the allegation in question. The Police Director shall periodically present such status reports to the Cree Nation Government Police Commission, and if required, to the Cree Nation Government Council.

29. The Police Director shall be responsible for ensuring that relevant information pertaining to an allegation contemplated by section 27 is collected and compiled, and that once completed, this file is submitted to the Director of Criminal and Penal Prosecutions.

Division 5 EEPF Policies and Procedures

30. Cree Nation Government policies and procedures shall apply to the EEPF, unless such policies and procedures are incompatible with the EEPF policies contemplated by section 31 or the Policing Working Conditions By-Laws, in which case the latter policies and procedures and by-laws shall prevail unless otherwise indicated herein.

31. The Police Director shall be responsible for developing, amending and, if required, repealing the following policies and procedures of the Eeyou-Eenou Police Force:

a) policies and procedures generally applicable to the provision of police services, including technical procedures;

b) recruitment, training and promotion of Special Constables, Officers and Senior Officers;

c) community-based policing;

d) finance and administration, subject to these EEPF policies and procedures being fully compatible with Cree Nation Government policies relating thereto;

e) evaluation of the performance of the Special Constables, Officers, Senior Officers and Civilian Staff of the Eeyou-Eenou Police Force;

f) the establishment, adoption and monitoring of a five-year plan of operations for the Eeyou-Eenou Police Force;

g) a management policy for its documents, including active, semi-active and inactive documents, and the retention and disposal thereof and related procedures;

h) policy regarding the storage of Police Equipment, as contemplated by section 136; and

i) any other subject matters deemed appropriate by the Police Director within the scope of his authority.

32. Each policy or procedure shall identify the person responsible for its implementation.

33. The Police Director shall present these EEPF policies and procedures contemplated by section 31, as well as any amendment or cancellation thereof, to the Cree Nation Government Police Commission.

34. The Police Director shall disseminate these EEPF policies and procedures within the EEPF and, if he deems it necessary, to the public. A copy of all such policies and procedures and any adjustments or amendments thereto shall be forwarded to the Secretary of the Cree Nation Government Police Commission and to the Secretary of the Cree Nation Government Council.

35. Any member of the public may, upon written request to the Police Director, have access to summaries of such EEPF policies and procedures.

Division 6 EEPF Ranks and Functions

36. The Police Director shall rank as a Senior Officer, but subject to the specificities of his position as described herein.

37. In addition to the Police Director, the EEPF shall be composed of the following personnel:

a) inspectors, captains and lieutenants, who shall rank as Senior Officers;

b) sergeants, corporals and constables, who shall rank as Officers;

c) Special Constables;

d) cadets; and

e) Civilian Staff.

38. The Eeyou-Eenou Police Force Civilian Staff shall include specialists in various areas whose services are required to accomplish the mission of the Eeyou- Eenou Police Force.

39. For clarity, the Cree Nation Government Human Resources and Personnel Development department shall be responsible for matters within its responsibility pursuant to Cree Nation Government Consolidated General By-Law with respect to the EEPF.

40. The monitoring and evaluation of the performance of Civilian Staff shall be the responsibility of the Police Director or those Senior Officers to whom the Police Director may entrust such responsibility, working in collaboration with the Cree Nation Government Human Resources and Personnel Development Director.

Division 7 EEPF Hiring, Appointment and Promotion

41. An EEPF interview committee composed of the Police Director and/or an individual appointed by him, one (1) representative from the Cree Nation Government Police Commission Human Resources Committee and the Director of the Cree Nation Government Human Resources and Personnel Development department and/or an individual appointed by him shall be responsible for interviewing candidates for EEPF personnel positions, including with respect to the promotion of EEPF personnel from one class of employment to a higher class of employment.

42. This EEPF interview committee shall also be responsible for assessing all employment applications submitted with respect to EEPF personnel positions including applications by EEPF personnel for a promotion, selecting candidates for interview, and subsequent to the interview process, providing its hiring and promotion recommendations to the Cree Nation Government Management Committee.

43. The Cree Nation Government Management Committee shall be responsible for hiring and promoting EEPF personnel in accordance with its mandate pursuant to the Cree Nation Government Consolidated General By-Law, with the exception the Police Director who shall be hired by the Cree Nation Government Council.

44. The Cree Nation Government Management Committee shall be responsible for deciding whether to recognize the previous experience of a special constable or police officer with another police force and whether to classify him at the time of his hiring at a salary grade commensurate with this experience.

45. For greater clarity, the Cree Nation Government is the employer for all EEPF personnel including the Police Director.

Division 8 EEPF Officers and Senior Officers

46. The hiring requirements for Officers and Senior Officers and the qualifications required to exercise investigative or management positions and to exercise a function or rank in the Eeyou-Eenou Police Force are set out in Schedule C of the Modalities Agreement.

47. The Police Director shall notify the Cree Nation Government Police Commission Chair and the Minister of any appointment of an Officer or Senior Officer to the Eeyou-Eenou Police Force. The Cree Nation Government Police Commission Chair shall in turn notify the Cree Nation Government Police Commission of such an appointment.

48. A register of the Officers and Senior Officers of the Eeyou-Eenou Police Force shall be kept by the Police Director who shall ensure that the Secretary, the Human Resources and Personnel Development Director and Treasurer of the Cree Nation Government and the Cree Nation Government Police Commission Chair receive up-dated copies thereof, as required.

49. Officers and Senior Officers of the Eeyou-Eenou Police Force shall reside on Category IA lands of the Cree Community in which they serve unless otherwise authorized in writing by the Police Director, with reasons, due to exceptional circumstances. A copy of such authorization shall be provided by the Police Director to the Cree Nation Government Police Commission.

50. The Cree Nation Government may not dismiss or reduce the salary of a Senior Officer of the Eeyou- Eenou Police Force who has been employed by the Cree Nation Government for at least six (6) months in that capacity, whatever his conditions of employment, except for cause and by a resolution adopted by an absolute majority of the members of the Cree Nation Government Council and served on that person in the same manner as a summons under the Code of Civil Procedure.

51. The Cree Nation Government Council may only take a decision contemplated by section 50 subsequent to the disciplinary process for Senior Officers contemplated by Title VI

52. A decision to dismiss a Senior Officer of the Eeyou-Eenou Police Force who has been employed by the Cree Nation Government for at least six (6) months in that capacity entails his immediate suspension without pay.

53. Such a dismissal or reduction of salary becomes effective:

    a) upon acquiescence by the Senior Officer; or

    b) on the date of the final ruling of a contestation of a decision made pursuant to section 52 or on the date of expiry of the time for such a contestation.

Division 9 EEPF Special Constables

54. The mission of Special Constables is to maintain peace, order and public security, to prevent and repress crime and, according to the jurisdiction specified in their deeds of appointment, to enforce the law and by-laws, and to apprehend offenders.

Amended by Resolution BC 2012-01

55. A Special Constable is a peace officer within the limits set out in his deed of appointment.

Amended by Resolution BC 2012-01

56. Special Constables of the Eeyou-Eenou Police Force shall reside on Category IA lands of the Cree Community in which they serve unless otherwise authorized in writing by the Police Director, with reasons, due to exceptional circumstances. A copy of such authorization shall be provided by the Police Director to the Cree Nation Government Police Commission.

Amended by Resolution BC 2012-01

57. By virtue of the Police Act, there are two (2) types of special constables, those appointed by the Chair of the Cree Nation Government ("Section 108 Special Constables") and those appointed by

the Minister of Public Security ("Section 107 Special Constables").

Amended by Resolution BC 2012-01

58. The Chair of the Cree Nation Government, or in his absence or if so delegated by him, the Vice-Chair of the Cree Nation Government, may appoint Section 108 Special Constables:

a) in emergencies for a period not exceeding seven (7) days; and

b) subject to the confirmation every year of this section 58 by By-law of the Cree Nation Government and the submission thereof to Quebec's Minister of Public Security and Minister of Municipal Affairs and Regions, for a period of four (4) months.

Amended by Resolution BC 2012-01

59. In all or part of the territorial areas contemplated by section 6 hereof, according to their respective deeds of appointment, Section 108 Special Constables shall be empowered under the authority of the Police Director:

a) to prevent and repress offences under the by-laws of the Cree Bands and the CRA, in the case of Section 108 Special Constables appointed in emergencies for a period not exceeding seven (7) days; and

b) to prevent and repress statutory offences (to the extent permitted by law) as well as offences under the by-laws of the Cree Bands and the CRA, in the case of Section 108 Special Constables appointed for a period of up to four (4) months.

Amended by Resolution BC 2012-01

60. Section 108 Special Constables shall take the oaths set out in Schedules 1 and 2 hereto before the Chair of the Cree Nation Government or before the Secretary or Treasurer of the Cree Nation Government, who shall promptly transmit the attestation of such oaths to the Police Director.

Amended by Resolution BC 2012-01

61. The Minister of Public Security may appoint Section 107 Special Constables.

Amended by Resolution BC 2012-01

62. These Section 107 Special Constables shall be empowered under the authority of the Police Director and of the Minister to prevent and repress offences in all or part of the territorial areas contemplated by section 6 hereof, according to their respective deeds of appointment.

Amended by Resolution BC 2012-01

63. These Section 107 Special Constables shall take the oaths set out in Schedule 1 and Schedule 2 hereto before a judge of the Court of Quebec or of a municipal court who shall be requested to promptly transmit the attestation of such oaths to the Police Director.

Amended by Resolution BC 2012-01

64. A register of Special Constables of the Eeyou-Eenou Police Force shall be kept by the Police Director who shall ensure that the Secretary, Human Resources and Personnel Development Director, Treasurer of the Cree Nation Government and Cree Nation Government Police

Commission Chair receive up-dated copies thereof, as required.

Amended by Resolution BC 2012-01

65. A copy of every Special Constable's deed of appointment and attestation of oaths shall be provided by the Police Director without delay to the Cree Nation Government Police Commission, to the Cree Nation Government and Cree Nation Government Treasurer, to the Minister and to the relevant Chief and Council of the applicable Cree Band or Cree Bands, as applicable.

Amended by Resolution BC 2012-01

66. Every Special Constable shall, in the exercise of his functions, wear a badge in compliance with applicable regulations and carry a copy of his deed of appointment or any other identity paper prescribed by regulation, and produce it upon request.

Amended by Resolution BC 2012-01

Division 10 Inspection of the EEPF and EEPF Police Personnel

67. The Cree Nation Government Council may authorize an individual to conduct an inspection in accordance with this Division 10. This authorization shall be in writing, and such individual shall be considered the Inspector for the purposes of this Division.

68. For the purposes of an inspection, an Inspector may:

a) enter, at any reasonable time, any police station or premises occupied by Special Constables, Officers or Senior Officers or any vehicle used by them;

b) examine and make copies of the books, registers, accounts, records and other documents containing information relating to the administration of the EEPF or relating to the Special Constables, Officers or Senior Officers under inspection; and

c) require any information or explanation needed for the purposes of such inspection.

69. Every person having the custody, possession or control of the books, registers, accounts, records and other documents contemplated by section 68.b) shall, if so required, transmit them to the Inspector and facilitate his examination of them.

70. No person may hinder an Inspector or deceive him by means of concealment or false declarations, refuse to furnish information or documents to which the Inspector is entitled pursuant to this Division, or conceal or destroy a document or thing which may be relevant to the inspection.

71. Every Inspector shall, on request, produce identification and the written authorization provided by the Cree Nation Government Council indicating his capacity as Inspector. No Inspector may be prosecuted for any act performed in good faith in the course of an inspection.

72. Subsequent to an inspection, the Cree Nation Government Council shall transmit recommendations to the Police Director, with a copy to the Cree Nation Government Police Commission Chair, and may require that action be taken in response to such recommendations within a specific timeframe. By the expiry of such time period, the Police Director shall report to

the Cree Nation Government Council and Cree Nation Government Police Commission regarding action taken.

Division 11 EEPF Personnel Records

73. The EEPF shall establish and keep the personnel records and forms prescribed in section 74 for Special Constables, Officers and Senior Officers.

74. The record of each Special Constable, Officer and Senior Officer shall contain the following:

a) application form: the application form completed by him regarding his employment;

b) birth certificate: his birth certificate;

c) photographs: one photograph of him in uniform and one photograph of him in civilian clothes, which photographs shall be replaced every five (5) years;

d) fingerprints: his fingerprint sheet verified with the Royal Canadian Mounted Police;

e) certificates of study: the marks, certificates, diplomas or attestations showing his educational level at the time of his engagement with the EEPF or one of its predecessors, as applicable, the marks and certificate obtained in the basic training course at a police training institution, as applicable; the marks, certificates, diplomas or attestations obtained while in service, in particular those obtained in refresher training, specialization or retraining courses;

f) medical examination: the results of the medical examination made at the time of his engagement with the EEPF or one of its predecessors, as applicable, and the results of the medical reports on sickness or injury suffered while in service;

g) tests or examinations: the results of the tests or examinations taken by him as an eligibility requirement for the EEPF. In addition, the record must contain the results of all other qualifying tests for positions or promotions, as applicable;

h) interview: the interview report and recommendation at the time of his engagement with the EEPF or one of its predecessors, as applicable, also the reports on the interview relating to a promotion, as applicable;

i) employment documents: in the case of a Special Constable, a copy of his deed of appointment, and in the case of a Special Constable, Officer or Senior Officer, a copy of his signed hiring letter; and, as applicable, a copy of the document or resolution by the Cree Nation Government Council, as applicable, pertaining to his dismissal, retirement or accepting his resignation, as the case may be;

j) swearing in: a copy of his oath of allegiance and office and of his oath of discretion in accordance with the form in Schedule 1 and Schedule 2, respectively;

k) career advancement: a document showing the professional functions performed by him and the length of time during which they were performed since his engagement with the EEPF or one of its predecessors, as applicable; as relevant, such document shall also indicate any promotions with applicable dates. In the case of a promotion, his record shall contain a copy of the official EEPF or Cree Nation Government document

confirming such appointment;

I) investigation form: the investigation form respecting his past history either completed before his engagement with the EEPF or one of its predecessors, or completed at the time of his engagement with the EEPF, as applicable;

m) assessment report: the assessment report of the police training institution or school;

n) probationary period evaluation report: the evaluation report completed with respect to his probationary period;

o) occupational behaviour rating: the periodic or annual ratings on his behaviour at work;

p) merit sheet: a sheet containing all appreciation reports, rewards, decorations and citations;

q) disciplinary sheet subject to section 202, a report on all disciplinary measures taken against him including the nature of the offence, the disciplinary sanction imposed after final decision and a copy of such decision; and

r) attendance: his attendance record.

75. A disciplinary investigation file containing an investigation report and summary contemplated by section 202 and any related documentation relating to a disciplinary complaint against a Special Constable, Officer or Senior Officer shall be maintained in a confidential file in accordance with applicable EEPF policies and procedures, and shall not form part of an individual's personnel record contemplated by this Division 11.

PART IV
CREE NATION GOVERNMENT POLICE COMMISSION

Division 1 Cree Nation Government Police Commission Establishment and Mandate

76. The Cree Nation Government Police Commission is hereby established in order to exercise the functions described herein, in conformity with section 31 of the Cree Nation Government Act and section 102.10 of the Police Act.

77. The mandate of the Cree Nation Government Police Commission is to enhance peace, harmony and justice throughout Eeyou Istchee by ensuring the highest standards of policing and police conduct for the Eeyou-Eenou Police Force.

Division 2 CREE NATION GOVERNMENT Police Commission Composition

78. The Cree Nation Government Police Commission shall be composed of twelve (12) voting members, including a Chair and a Vice-Chair.

79. Both the Chair of the Cree Nation Government and the Vice-Chair of the Cree Nation Government are ex officio members of the Cree Nation Government Police Commission.

80. Upon recommendation of each Cree Band Council, the Cree Nation Government Council shall appoint nine (9) other members of the Cree Nation Government Police Commission affiliated

with each of the following Cree communities:

a) the Cree Nation of Chisasibi;

b) the Cree Nation of Eastmain;

c) the Cree Nation of Mistissini;

d) the Cree Nation of Nemaska;

e) the Whapmagoostui First Nation;

f) The Crees of the Waskaganish First Nation;

g) the Waswanipi Band;

h) the Cree Nation of Wemindji; and

i) the Oujé-Bougoumou Cree Nation.

81. The Cree Nation Government Council shall also appoint a Chair of the Cree Nation Government Police Commission for the term it determines, and such Chair shall be responsible for ensuring the proper functioning of the Cree Nation Government Police Commission.

82. The members of the Cree Nation Government Police Commission contemplated by section 80 shall be appointed for a term of three (3) years following the recommendation of the Council of each Cree Band. The ex officio members of the Cree Nation Government Police Commission shall be appointed for their terms as Chair of the Cree Nation Government or Vice-Chair of the Cree Nation Government.

83. Every member of the Cree Nation Government Police Commission shall remain in office at the expiry of his term until he is reappointed or replaced, except in the case of resignation, death or removal from the Cree Nation Government Police Commission by a majority vote of the Cree Nation Government Council.

84. If a member of the Cree Nation Government Police Commission is absent or unable to act, the Cree Nation Government Council may appoint a person to replace him for as long as he is absent or unable to act, following the recommendation of the Council of the relevant Cree Band, as applicable.

85. The members of the Cree Nation Government Police Commission shall designate from among themselves a Vice-Chair for the term it determines.

86. The Chair and Vice-Chair of the Cree Nation Government Police Commission shall continue to act until replaced. The Police Director shall attend the meetings of the Cree Nation Government Police Commission and may participate in the debates of the Cree Nation Government Police Commission, but he shall not have any voting rights with respect to Cree Nation Government Police Commission decisions and meetings.

88. The Cree Nation Government Police Commission may appoint a Cree Nation Government Police Commission Secretary, who is not required to be a Cree Nation Government Police Commission member.

89. The Cree Nation Government Police Commission Secretary shall ensure the effective operation of the Cree Nation Government Police Commission in collaboration with the Police Director, the Chair of the Cree Nation Government Police Commission and the relevant Cree Nation Government departments, services or agencies. Specifically, he shall prepare the files and manage the meetings of the Cree Nation Government Police Commission.

90. The honorarium paid by the Cree Nation Government to those Cree Nation Government Police Commission members who are not Cree Nation Government employees, and the remuneration of the Cree Nation Government Police Commission Secretary, shall be determined in the annual budget of the Cree Nation Government Police Commission contemplated by Title V hereof.

Division 3 CREE NATION GOVERNMENT Police Commission Chair and Vice-Chair

91. The Cree Nation Government Police Commission Chair shall be responsible for the application of the Cree Nation Government Police Commission Code of Ethics and Professional Conduct contemplated by Schedule 3.

92. The Cree Nation Government Police Commission Vice-Chair shall replace the Cree Nation Government Police Commission Chair in the event that the latter is absent or unable to act or, if the position of Chair is vacant, until a new Chair is appointed. In such circumstances, the Cree Nation Government Police Commission Vice-Chair shall exercise the functions and powers assigned to the Cree Nation Government Police Commission Chair pursuant to this By-Law.

Division 4 CREE NATION GOVERNMENT Police Commission Member Qualifications

93. Cree Nation Government Police Commission members shall be of good moral character and must not have been found guilty in any place, of an act or omission defined in the Criminal Code as an offence or of an offence referred to in section 183 of that Code, including an offence pursuant to an Act other than the Criminal Code listed in that section 183.

94. The following criteria shall be considered with respect to the selection of Cree Nation Government Police Commission members:

a) the individual is respected by the members of his community;

b) the individual is active in his community and has demonstrated his commitment to his community's values and concerns;

c) the individual has pertinent experience in the area of justice or policing or in the areas of financial management, business management, human resources, public relations or in any other sector which may be deemed useful for the purposes of the Cree Nation Government Police Commission; and

d) the individual has undergone a police criminal background check demonstrating that he does not have a criminal record and is not the subject of an on-going criminal investigation.

95. The following persons shall be disqualified from being a Cree Nation Government Police Commission member:

a) a judge;

b) a justice of the peace;

c) an employee of the Eeyou-Eenou Police Force, whether he is a Special Constable, Officer, Senior Officer or a member of the Civilian Staff thereof; and

d) a person who has a criminal record.

Division 5 CREE NATION GOVERNMENT Police Commission Meetings and Decisions

96. The Cree Nation Government Police Commission Chair shall call and preside the meetings of the Cree Nation Government Police Commission. He shall call meetings by providing written notice to each member of the Cree Nation Government Police Commission at least thirty (30) days prior to the date of such meeting. Such notice shall include a proposed agenda for the meeting, as well as the place and duration of the meeting.

97. The quorum of the Cree Nation Government Police Commission shall be at least fifty percent (50%) plus one (1) of its members, one of whom shall be either the Cree Nation Government Police Commission Chair or the Cree Nation Government Police Commission Vice-Chair.

98. Meetings of the Cree Nation Government Police Commission are public; however the Cree Nation Government Police Commission may order that a meeting, or a part thereof, be held in camera in the interest of morality or public order, in particular to protect a person's privacy or reputation or the confidentiality of a police investigation procedure, a source of police information or a police operation procedure.

99. The Secretary of the Cree Nation Government Police Commission shall prepare meeting minutes for each meeting of the Cree Nation Government Police Commission, and such minutes shall be ratified by the Cree Nation Government Police Commission at its subsequent meeting.

100. The Cree Nation Government Police Commission may hold its meetings anywhere in Quebec, subject to budgetary constraints.

101. Unless otherwise provided herein, the Cree Nation Government Police Commission may adopt rules for its internal management.

102. Any decision of the Cree Nation Government Police Commission shall be taken by a majority of votes cast at a duly called meeting. In the event of a tie-vote, in addition to his regular vote, the Cree Nation Government Police Commission Chair shall have the power to cast a deciding vote.

103. A decision of the Cree Nation Government Police Commission shall only be given effect by written resolution.

104. The Cree Nation Government policy for travel expenses shall apply to Cree Nation Government Police Commission members.

Division 6 Cree Nation Government Police Commission Ethics and Professional Conduct

105. A member of the Cree Nation Government Police Commission shall refuse to participate in any deliberation of the Cree Nation Government Police Commission that would place him in a conflict of interest situation.

106. In exercising his powers and discharging his duties a Cree Nation Government Police Commission member shall act honestly, in good faith and in consideration of the best interests of the Cree Nation Government and he shall exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

107. The Cree Nation Government Police Commission Code of Ethics and Professional Conduct appended hereto as Schedule 3 shall apply to all Cree Nation Government Police Commission members.

Division 7 Indemnification of Cree Nation Government Police Commission Members

108. The Cree Nation Government shall indemnify a Cree Nation Government Police Commission member or a former Cree Nation Government Police Commission member and his heirs against all claims in respect of any civil, criminal or administrative action or proceeding to which he is made a party by reason of being or having been a member of the Cree Nation Government Police Commission, provided that:

a) the member acted honestly and in good faith and in consideration of the best interests of the Cree Nation Government; and

b) in the case of a criminal or administrative action or proceeding that may result in a monetary penalty, the member had reasonable grounds for believing that his conduct was lawful.

Division 8 Cree Nation Government Police Commission Duties and Functions

109. The Cree Nation Government Police Commission's duties and functions shall be the following:

a) collaborating with the Police Director to ensure that the Eeyou-Eenou Police Force provides high quality police services;

b) identifying regional and local priorities with local Cree committees or Cree Band governments;

c) defining, in collaboration with the Police Director, the objectives of the EEPF and those of its Special Constables, Officers and Senior Officers, in order to promote such high quality police services;

d) measuring, in collaboration with the Police Director, the achievement of the objectives contemplated by section c);

e) making recommendations to the Cree Nation Government Council and the Police Director with respect to high quality police services including proposals for training of EEPF personnel in matters relevant to their functions within the EEPF such as: police management; financial management; community-based policing and determining community needs; strategic planning; and recent developments in the area of policing;

f) consulting with the Police Director with respect to a disciplinary complaint involving the Assistant Director, pursuant to section 185;

g) appointing the members of the Appeal Committee;

h) through the Appeal Committee, deciding appeals of Senior Officers contemplated by section 191 relating to internal discipline decisions of the Police Director or Special Disciplinary Adjudicator, as applicable;

i) appointing the members of the Human Resources Committee, and through this committee making recommendations to the relevant Cree Nation Government department, services or agencies regarding certain human resource matters, as provided herein;

j) through the Cree Nation Government Police Commission Human Resources Committee, evaluating the performance of the Police Director, and, if required, reporting to Cree Nation Government Council accordingly;

k) developing, adopting, amending and, when necessary, cancelling Cree Nation Government Police Commission policies and procedures;

I) consulting with the Cree Nation Government Treasurer with respect to his preparation of the annual budget of Cree Nation Government Police Commission pursuant to section 121 and monitoring its use of funds pursuant to such budget;

m) providing comments to the Police Director and Cree Nation Government Treasurer with respect to their preparation of the annual budget for the Eeyou-Eenou Police Force, pursuant to section 123;

n) organizing and providing relevant training to its members in accordance with their mandates as Cree Nation Government Police Commission members, subject to budgetary constraints;

o) recommending public awareness and crime prevention campaigns to the Police Director and participating in their implementation, including ensuring that the public is adequately informed about the provisions of the Police Act regarding Police Ethics and Standards of Conduct of Special Constables, Officers and Senior Officers and related complaints;

p) recommending to the Cree Nation Government Council that an inspection be carried out in accordance with Division 10 of Title Ill ; and

q) carrying out any other duties and functions concerning policing-related matters which may be specifically assigned to it by the Cree Nation Government Council from time to time.

110. The Cree Nation Government Police Commission shall not be involved in the day-to-day operations of the Eeyou-Eenou Police Force nor shall any Cree Nation Government Police Commission member influence or interfere with the duties of the Police Director or any other employee of the Eeyou-Eenou Police Force in the execution of his duties.

111. If required in the fulfilment of its duties and functions, the Cree Nation Government Police Commission may consult a professional resource person who is knowledgeable in the relevant field of expertise, subject to budgetary constraints and authorization required pursuant to Title V of this By-law.

112. As it deems appropriate, the Cree Nation Government Police Commission may establish sub-committees and appoint certain of its members to these sub-committees to address particular issues or aspects of the Cree Nation Government Police Commission's duties and functions.

113. The Cree Nation Government Police Commission shall ensure the collection of relevant information to identify and address local policing and crime prevention issues. To such ends, the Cree Nation Government Police Commission may establish local consultative policing committees and appoint members to such committees, who shall participate therein in a voluntary capacity. Additionally, each of the nine (9) Cree Nation Government Police Commission members contemplated by section 80 shall report at least once a year to the Cree Nation Government Police Commission on the nature of the priorities identified by the local consultative policing committees.

Division 9 Cree Nation Government Police Commission Human Resources Committee

114. A human resources committee of the Cree Nation Government Police Commission is hereby established, referred to herein as the Human Resources Committee, in order to provide recommendations to the EEPF, its Police Director or Cree Nation Government Council or Management Committee, as applicable, regarding certain human resource matters concerning the EEPF, as provided herein.

115. The Human Resources Committee shall be comprised of three (3) persons, appointed by the Cree Nation Government Police Commission from among its members for a fixed term determined by the Cree Nation Government Police Commission.

116. The Human Resources Committee shall be responsible for evaluating the performance of the Police Director, and it shall seek the input of the Directors of the other Cree Nation Government departments in conducting such evaluation.

117. In the event that the Human Resources Committee is of the view that the performance of the Police Director is unsatisfactory, it shall so inform the Police Director, providing him with written reasons for such assessment and allowing him a reasonable opportunity to improve his performance. It may present a report duly approved by the Cree Nation Government Police Commission to the Cree Nation Government Council regarding its assessment and recommendations regarding the Police Director's performance.

118. The Human Resources Committee shall transmit any information it receives regarding the unsatisfactory performance of a Special Constable, Officer, Senior Officer or Civilian Staff to the Police Director.

119. The Human Resources Committee shall be responsible for reviewing the Police Director's evaluation of the Assistant Director and those Senior Officers holding the rank of Captain, in accordance with EEPF policies and procedures.

120. The Human Resources Committee shall designate one of its members to act as its representative on the EEPF interview Committee pursuant to section 41.

PART V
FINANCIAL MATTERS

Division 1 Budget

121. For clarity, the Cree Nation Government Finance and Treasury department shall be responsible for matters within its responsibility pursuant to Cree Nation Government Consolidated General By-Law with respect to the EEPF.

122. The Cree Nation Government Treasurer, in consultation with the Cree Nation Government Police Commission, shall prepare the annual budget of the Cree Nation Government Police Commission for presentation to the Cree Nation Government Council, and subject to its approval.

123. The Police Director and the Cree Nation Government Treasurer shall jointly prepare the annual budget of the Eeyou-Eenou Police Force. Such budget shall be presented to the Cree Nation Government Police Commission for comments, if any, prior to presentation to the Cree Nation Government Council for its approval.

124. The Police Director shall allocate and monitor the use of the funds provided for by the annual budget of the Eeyou-Eenou Police Force. The Police Director shall not permit expenditures to exceed the annual budget of the EEPF without the prior written approval of the Cree Nation Government Council. Upon request, he shall also be required to report to the Cree Nation Government Council regarding any aspect concerning the annual budget of the Eeyou-Eenou Police Force.

Division 2 Material and Financial Resources

125. For clarity, the Cree Nation Government Capital Works and Services department shall be responsible for matters within its responsibility pursuant to Cree Nation Government Consolidated General By-Law with respect to the EEPF, subject to this Division 2.

126. The Cree Nation Government shall proceed by public tender for every contract for the performance of work or the supply of equipment or materials or the provision of services other than professional services involving an expenditure of fifty thousand dollars ($50,000) or more. In this regard, the Cree Nation Government shall follow any by-law established by the Cree Nation Government Council setting out the procedures and requirements relating to the calling of tenders and awarding of contracts.

127. Subject to the annual budget of the EEPF approved by the Cree Nation Government Council, the Police Director may authorize expenditures of up to fifty thousand dollars ($50,000).

128. Subject to the annual budget of the EEPF approved by the Cree Nation Government Council, the Police Director may delegate his financial authority to a Senior Officer with respect to budgetary expenditures and related budget management as follows:

a) to a Lieutenant, for amounts of up to two thousand five hundred dollars ($2,500);

b) to a Captain, for amounts of up to five thousand dollars ($5,000); and

c) to an Inspector, for amounts of up to ten thousand dollars ($10,000).

129. Subject to the annual budget of the EEPF approved by the Cree Nation Government Council, the Cree Nation Government Management Committee may authorize expenditures of between fifty thousand dollars ($50,000) and two hundred thousand dollars ($200,000).

130. Expenditures of more than two hundred thousand dollars ($200,000) shall be made in accordance with Cree Nation Government Consolidated General By-Law.

131. No expenditures may be authorized without a certificate from the Cree Nation Government Treasurer attesting that there are available moneys for the purposes contemplated thereby.

132. The Police Director shall submit a list of all police-related equipment to be used by, or procured for, the EEPF, which in the latter case shall include available equipment options within each category of equipment with respective cost and technical specifications, and his procurement recommendations with respect to each such category, for approval by the Cree Nation Government Management Committee.

133. The list contemplated by section 132 shall exclusively contain police-related equipment which complies with applicable legislation. Any modification to this approved list of EEPF police-related equipment shall be subject to the approval of the Cree Nation Government Management Committee.

134. Responsibility for the selection, procurement and management of equipment necessary to the proper functioning of the EEPF other than police-related equipment shall be the responsibility of the Director of the Cree Nation Government Capital Works and Services department, who shall collaborate in this regard with the Police Director.

135. On the basis of the approved list contemplated by section 132, the Police Director shall determine the standard police-related equipment to be used by Special Constables, and Officers and Senior Officers, respectively, in the execution of their duties ("Police Equipment"). A Special Constable may only use that Police Equipment which is permitted by his deed of appointment.

136. The Police Director shall prepare a policy regarding the storage of Police Equipment, and provide such policy to the Police Commission. The Police Director shall reconsider this policy at least on an annual basis, make any necessary changes and provide any revised version of the policy to the Police Commission. The Police Director shall be responsible for ensuring that Special Constables, Officers and Senior Officers store Police Equipment in accordance with this policy when such equipment is not in use.

137. The Police Director shall determine the training requirements for Special Constables, Officers and Seniors, including initial and on-going training, in the use of Police Equipment.

138. The Police Director shall establish and maintain a list of Special Constables, Officers and Senior Officers who have received training in the use of Police Equipment, including the particulars of such training and relevant results. The Police Director shall up-date this list at least on an annual basis and shall provide it to the Police Commission upon request.

139. Only Special Constables, Officers and Senior Officers who have received training in the use of specific Police Equipment shall be authorized to use such equipment, and only with respect to the performance of their professional duties.

140. The Police Director shall be responsible for ensuring that Special Constables, Officers and Senior Officers are informed of and respect applicable EEPF police- related equipment standards established pursuant to this By-law.

141. A Special Constable, Officer or Senior Officer shall not use any police-related equipment or any comparable type of equipment other than the Police Equipment which he is authorized to use and which is provided to him by the EEPF.

PART VI
INTERNAL DISCIPLINE

Division 1 General

142. This Title VI states the duties and standards of conduct of the Special Constables, Officers and Senior Officers of the EEPF in view of ensuring their respect for the authorities over them according to the hierarchical order of the EEPF, and to ensure the quality of services and effectiveness of the EEPF.

143. This By-law also sets out the types of behaviour that constitute breaches of discipline, establishes an internal disciplinary process for the EEPF, establishes the discipline-related powers of the Cree Nation Government Police Commission, the Police Director and other Senior Officers and provides for discipline-related sanctions.

144. Any breach or omission related to a duty or standard of conduct set out by this By-law is a disciplinary offence and may lead to the imposition of a sanction.

145. The Police Director shall be subject to the duties and standards stated herein, as applicable, but any disciplinary complaint, investigation and adjudication process, as well as any sanction, relating to him shall be solely determined by the Cree Nation Government Council, as it deems appropriate and in accordance with the law.

Division 2 Duties and Standards of Conduct

146. Special Constables, Officers and Senior Officers shall abide by their oaths of allegiance and office and their oaths of discretion. In particular, a Special Constable, Officer or Senior Officers shall not:

a) use, for personal purposes or in order to gain a personal advantage or profit, any information obtained in the course of his duties or due to his position within the EEPF;

b) cancel, destroy or modify any EEPF official document obtained by or prepared for the EEPF, unless he is authorized to do so; and

c) disclose information or make declarations related to an investigation or to the activities of the EEPF to persons other than those authorized by the Police Director or by law.

147. Special Constables, Officers and Senior Officers shall promptly obey the orders and instructions of their superiors. In particular, a Special Constable, Officer or Senior Officer shall refrain from:

a) refusing or failing to respect the hierarchical order of authority of the EEPF, including respect for the authority of a Senior Officer, except in case of necessity or physical impossibility;

b) refusing to report to the Police Director or such Director's representative regarding his activities when acting as a Special Constable, Officer or Senior Officer, as applicable, either during working hours or outside of his working hours when acting in an official capacity;

c) refusing to execute his professional and related duties or inciting others to do the same;

d) adopting a disrespectful or impolite attitude towards his superiors or colleagues;

e) failing to accomplish the professional and related duties assigned to him, or being in a location other than the one designated by his superior;

f) in the event that the Police Director requests it in the interest of the EEPF, refusing to disclose, in writing, a list of all the corporations, companies, enterprises, businesses, commercial activities or industries that he operates or in which he holds an interest, as well as any trade, occupation or employment he holds or practices outside of his working hours with the EEPF; and

g) being absent from Court without justification when summoned as a witness.

148. Special Constables, Officers and Senior Officers shall accomplish their duties diligently and effectively. In particular, a Special Constable, Officer or Senior Officer shall refrain from:

a) failing to respect his working schedule, including any on-call duties or other professional duties required outside of his regular working hours;

b) performing any action or making any false declaration for the purpose of extending a leave, delaying a return to work or otherwise being absent from work;

c) failing to promptly communicate to his superior any information regarding significant crimes, infractions, facts or events he has witnessed or of which he has personal knowledge;

d) being negligent, careless or acting improperly when executing his duties; and

e) neglecting to maintain and keep in good working order any equipment or clothing provided to him by the EEPF.

149. Special Constables, Officers and Senior Officers shall execute their duties with integrity. In particular, a Special Constable, Officer or Senior Officer shall refrain from:

a) using or authorizing the use of a vehicle or of any other item belonging to the EEPF or the Cree Nation Government for personal or unauthorized purposes;

b) allowing a person to be on-board an EEPF vehicle for purposes other than for work purposes without the prior authorization of the Police Director;

c) lending, selling or otherwise transferring a part of his uniform or any other equipment provided to him by the EEPF without the prior authorization of the Police Director;

d) claiming or authorizing the reimbursement of expenditures that were not incurred, the payment of working hours that were not worked or the unjustified payment of bonuses;

e) omitting or neglecting to promptly report or remit any sum of money or item received in the course of his work as a Special Constable, Officer or Senior Officer, as applicable;

f) communicating or signing a report or other written material knowing it to be false or incorrect;

g) failing to promptly inform the Police Director of the fact that his Quebec driver's licence is suspended, revoked or restricted, or upon request by his superior, failing to provide reasons related thereto;

h) failing to promptly notify the Police Director upon becoming aware that criminal charges are being brought against him;

i) in the case of a Senior Officer, failing to promptly inform the Police Director that he has witnessed or has become aware of an alleged violation of the Code of Ethics of Quebec Police Officers (R.R.Q., c. P- 13.1, r.1), by a Special Constable, Officer or Senior Officer of the EEPF; and

j) purposely or negligently damaging, destroying, or losing, or illegally assigning, either publicly or privately owned property.

150. Special Constables, Officers and Senior Officers shall exhibit dignity at all times, and avoid any behaviour that imperils the trust and esteem required for the performance of their duties or which jeopardizes the reputation or efficiency of the EEPF. In particular, a Special Constable, Officer or Senior Officer shall refrain from:

a) socializing or fraternizing with persons that he knows have, or should reasonably be known to have, a questionable or criminal reputation, and shall refrain from being in premises known to have a similar type of reputation, unless justified by his professional duties;

b) suggesting or recommending the services of a specific lawyer or the services of a specific commercial operation or service provider such as a garage station, towing operator, hotel or restaurant to a person with whom he has had contact in the course of his professional duties;

c) outside of his working hours, operating a business or enterprise, working in a trade, holding employment or pursuing an activity which may jeopardize his independence or that of the EEPF or decrease his performance during working hours, including working as a:

i) bailiff or bailiff's assistant;

ii) collection agent or representative of collection agent;

iii) investigation agent, private detective, security guard, escort for valuable goods, locksmith or electronic alarm systems service provider, security services advisor, bar bouncer or any other position related to monitoring or security;

iv) taxi driver, owner or operator of a taxi cab on the Eeyou-Eenou territory; or

v) owner, operator or employee of premises holding a licence issued by the Regie des alcohols, des courses et des jeux for the consumption of alcohol on site.

d) placing himself in a situation where he would be in a conflict of interest when soliciting or gathering, or allowing the soliciting or gathering, of monies from the public through the sale of advertisements or tickets or in any other way whatsoever, for the benefit of a person, organization or association;

e) engaging in any political activity restricted by Chapter Ill of Title Ill of the Police Act;

f) while on duty and at any time while wearing his uniform, selling alcohol without authorization, or purchasing, carrying or consuming alcohol, unless specifically required by the performance of his duties;

g) while on duty and at any time while wearing his uniform or in the course of his work, be under the influence of alcohol, illegal drugs, hallucinogens, narcotics or anaesthetic mixtures or any other type of substance that may cause inebriation, the impairment of faculties or unconsciousness;

h) keeping any alcohol or illegal drugs, without permission, in an EEPF or other Cree Nation Government vehicle or on EEPF or Cree Nation Government premises;

i) lacking courtesy towards any Cree Nation Government employee;

j) using his status as a Special Constable, Officer or Senior Officer for his personal benefit or for the personal benefit of another person; and

k) violating any Act or By-Law which the EEPF is responsible for enforcing.

151. A Senior Officer who witnesses, is made aware of or has reasonable grounds to believe that a disciplinary offence has been committed by a Special Constable, Officer or Senior Officer, or is about to be committed by such a person, shall promptly inform his superior, who in turn shall so inform the Assistant Director who may transmit such information to the individual's supervisor pursuant to section 152, if he deems it appropriate.

Division 3 Disciplinary Procedure

Subdivision 3.1 Disciplinary Complaint Process

152. Information pertaining to an alleged breach or omission by a Special Constable, Officer or Senior Officer of a duty or a standard of conduct set out by this By-law shall be transmitted to his supervisor.

153. In the event that the aforementioned supervisor receives such information, or otherwise becomes aware of such breach or omission, he shall be deemed to be the Investigator in relation to the matter, which shall be considered a disciplinary complaint.

154. The Investigator shall promptly ascertain relevant facts by inquiry and investigation, and where possible shall obtain written statements from individuals, regarding the disciplinary complaint concerning a Special Constable, Officer or Senior Officer. Upon completion of this investigation,

he shall promptly prepare a report and summary thereof in the prescribed form and transmit same to the Assistant Director.

155. The following sections of this Subdivision 3.1 shall be subject to Subdivision 3.2.2 in the case of Senior Officers.

156. Subject to receipt of the report contemplated by section 154, and within thirty (30) days of its receipt, the Assistant Director shall conduct a preliminary assessment of the validity of the disciplinary complaint. Subsequent to this assessment, the Assistant Director may:

a) reject the complaint if it is determined to be frivolous, vexatious, made in bad faith or obviously unfounded;

b) request that the Investigator conduct additional investigations or provide him with additional information regarding the complaint in the form of an amended report and summary;

c) proceed with preventive measures contemplated by section 157; or

d) lay disciplinary charges in conformity with section 158 and order that the concerned Special Constable, Officer or Senior Officer be subject to the disciplinary process before a Disciplinary Adjudicator.

157. In the interest of the public, the EEPF or the Special Constable, Officer or Senior Officer against whom a complaint is filed, and subject to receipt of the Investigator's report contemplated by section 154, as a preventive measure the Assistant Director may:

a) order the individual to undergo medical examination where his health condition may be of concern;

b) order that the individual pursue a refresher or professional development course with a recognized police school or establishment such as the ENPQ; or

c) communicate written remarks or observations to the individual which are likely to develop his professional conscientiousness or prevent the commission of a disciplinary offence. Such remarks or observations shall be included in the personnel record of such individual, but shall not be considered a disciplinary measure.

158. Subject to receipt of the Investigator's report contemplated by section 154 and where the Assistant Director deems it appropriate, he shall prepare a written disciplinary charge containing a brief description of the nature of the alleged disciplinary offence, its circumstances and relevant facts including its approximate time, date and location, where possible. This disciplinary charge shall be personally served on the concerned Special Constable, Officer or Senior Officer, along with the summary of the report contemplated by section 154 and the name of the Disciplinary Adjudicator appointed to decide the matter.

159. Subject to receipt of the Investigator's report contemplated by section 154, where the Assistant Director determines that the Special Constable, Officer or Senior Officer who is the subject of the complaint should be temporarily relieved of his duties, be temporarily appointed to other duties or be suspended without pay, the Assistant Director shall submit the matter to the Police Director.

160. Pursuant to section 159 and subject to receipt of the Investigator's report contemplated by section 154, the Police Director may order that such a Special Constable or Officer be temporarily relieved of his duties or be temporarily appointed to other duties or be suspended with or without pay until the Disciplinary Adjudicator renders a final decision. The Police Director may similarly order that such a Senior Officer including the Assistant Director be temporarily relieved of his duties or be temporarily appointed to other duties, or he may recommend to the Cree Nation Government Council that such an individual be suspended with or without pay until the Disciplinary Adjudicator renders a final decision.

161. At the end of every month, the Assistant Director shall submit a summary report on the disciplinary complaints processed during that period to the Police Director.

Subdivision 3.2 Disciplinary Adjudication Process

Subdivision 3.2 1 Special Constables and Officers

162. Where disciplinary charges are laid against a Special Constable or Officer pursuant to section 158, the Assistant Director shall select a Disciplinary Adjudicator capable of reviewing the legitimacy of the alleged disciplinary offence or offences in an unbiased fashion.

163. As applicable, such a Disciplinary Adjudicator shall, at the first available opportunity, advise the Assistant Director of his inability to act in an unbiased fashion with respect to the matter. In such case, the Assistant Director shall appoint another Disciplinary Adjudicator.

164. The respondent Special Constable or Officer shall convey his plea in writing to the Disciplinary Adjudicator within seven (7) business days from the date of service of the disciplinary charge or charges. In the event that no such plea is conveyed within this period, the respondent Special Constable or Officer shall be deemed to enter a non-guilty plea.

165. In the event that the respondent individual pleads guilty to the disciplinary charge or charges, within ten (10) business days from the expiry of time period contemplated in section 164, he and the Investigator may each communicate their written comments and recommendations regarding appropriate sanctions to the Disciplinary Adjudicator.

166. Within ten (10) business days of his receipt of the parties' comments and recommendations, the Disciplinary Adjudicator shall impose an appropriate sanction or sanctions contemplated by section 187 on the respondent Special Constable or Officer.

167. The Disciplinary Adjudicator's decision regarding the sanction to be imposed shall be written, include reasons supporting his decision and shall be signed by him. It shall be promptly forwarded to the respondent Special Constable or Officer, his immediate superior, the Assistant Director and the Police Director.

168. In the event that the respondent Special Constable or Officer enters a non-guilty plea, the matter shall proceed to a hearing before the Disciplinary Adjudicator, who shall set the date, time and location of the hearing and shall forward a notice to the respondent individual at least five (5) business days prior to its commencement.

169. A hearing is intended to allow a Disciplinary Adjudicator to review information provided by the Investigator, a witness or the respondent Special Constable or Officer. A hearing also provides

the respondent individual with an opportunity to directly address the Disciplinary Adjudicator and present arguments on the information submitted during the hearing, as well as regarding the sanction to be imposed.

170. The hearing shall be an inquisitive process, with the Disciplinary Adjudicator assuming an inquisitive role to enable him to establish the facts required in order to render an informed decision. He may call, examine and discharge witnesses.

171. In order to reduce the impact on the provision of police services, the Disciplinary Adjudicator shall restrict summoning witnesses from among EEPF staff members unless the evidence of such witnesses is likely to be determinative of the matter.

172. Hearings shall be recorded in audio format.

173. Unless specifically provided by this By-law, the procedural rules of the hearing may be established by the Disciplinary Adjudicator and he has a duty to act fairly during the hearing.

174. During the hearing, the Disciplinary Adjudicator shall:

a) ensure that the disciplinary charge is read to the respondent Special Constable or Officer;

b) allow the respondent Special Constable or Officer to change his plea, subject to section 176;

c) allow the respondent Special Constable or Officer to be heard and to present a defence;

d) hear and accept any form of evidence he deems appropriate and relevant in order to establish the truth;

e) examine all relevant participants, including witnesses, as he deems necessary; and

f) adjourn the hearing for a maximum of thirty (30) days, at his discretion, to obtain additional information which he deems necessary to render a decision.

175. The Disciplinary Adjudicator shall have access to all relevant, available information regarding the disciplinary complaint, including the report contemplated by section 154.

176. The disciplinary charge may be amended at any time to ensure that the parties' rights are preserved. However, unless the parties' consent thereto, a Disciplinary Adjudicator shall not allow a disciplinary charge to be amended in such a way that it would constitute an entirely new disciplinary charge in comparison with the original charge.

177. In the event that a respondent Special Constable or Officer refuses or neglects, without justification, to appear in person before the Disciplinary Adjudicator or leaves the hearing room without the authorization of the latter, the matter may be heard and decided in his absence.

178. The Disciplinary Adjudicator may seek the opinion of a lawyer appointed by the EEPF regarding issues of law or procedure that arise during the hearing. This lawyer shall not participate in the final decision regarding the disciplinary charge or charges, which decision is to be rendered by the Disciplinary Adjudicator alone.

179. A Disciplinary Adjudicator shall accept a duly certified copy of any final decision of a Canadian court finding a Special Constable or Officer guilty of a criminal offence as evidence of his guilt.

A Disciplinary Adjudicator may subsequently proceed to impose one or several of the sanctions provided in section 187. This section 179 also applies to any ruling of a foreign court or tribunal finding a Special Constable or Officer guilty of an offence which, if committed in Canada, would constitute a criminal offence.

180. Except in exceptional circumstances, the Disciplinary Adjudicator shall rule on the disciplinary matter within ten (10) business days from the conclusion of the hearing. The decision shall be written, include reasons supporting the decision and be signed by the Disciplinary Adjudicator. It shall be promptly forwarded to the respondent Special Constable or Officer, his immediate superior, the Assistant Director and the Police Director.

181. A decision resulting in a finding of not-guilty shall end the disciplinary process involving the respondent Special Constable or Officer with respect to the disciplinary offence or offences addressed at the hearing.

182. In the case of a decision resulting in a finding of guilty, the Disciplinary Adjudicator may impose an appropriate sanction or sanctions contemplated by section 187 with respect to each count of the disciplinary charge leading to a finding of guilt.

Subdivision 3.2 2 Senior Officers

183. Subject to sections 184 and 185, sections 162 to 182 shall apply mutatis mutandis to a Senior Officer except that the Police Director shall act as the Disciplinary Adjudicator with respect to a disciplinary charge made against a Senior Officer.

184. In the event that the Police Director is of the opinion that he does not have the impartiality required, or may be perceived as lacking the impartiality required, to fulfill his mandate as Disciplinary Adjudicator, he shall, at the first available opportunity, so inform the Director General of the Cree Nation Government or the Deputy Director of the Cree Nation Government, who may replace him by a person of The Cree Nation Government's choice who has relevant experience in the police context, and that person shall act as Disciplinary Adjudicator in the matter.

185. In the event that the Assistant Director is the subject of a disciplinary complaint, the Police Director may, after consulting with the Cree Nation Government Police Commission:

a) either assume the role of Investigator in the disciplinary process and hearing or assign the duty to investigate the matter to a member of another police force, who shall assume the role of Investigator in the disciplinary process and hearing;

b) fulfill the role of the Assistant Director contemplated by sections 156 to 158, or assign such role to a member of another police force other than the person designated to act as Investigator pursuant to section 185.a); and

c) request that the Director General of the Cree Nation Government appoint a Special Disciplinary Adjudicator to adjudicate the disciplinary charge against the Assistant Director.

186. In the event that a respondent Senior Officer, including the Assistant Director, enters a guilty plea or is found guilty of a disciplinary offence, the Disciplinary Adjudicator or Special

Disciplinary Adjudicator, as applicable, may impose one of the sanctions provided for by section 187, except for dismissal, demotion or suspension without pay in the case of a Senior Officer who has been employed by the Cree Nation Government for at least six (6) months.

a) In the event that the Disciplinary Adjudicator or Special Disciplinary Adjudicator determines that a dismissal, demotion or suspension without pay is an appropriate sanction in the circumstances, he shall forward his written recommendation to this effect to the Cree Nation Government Council for its decision.

b) In the event that the Disciplinary Adjudicator or Special Disciplinary Adjudicator recommends that a Senior Officer be dismissed the Cree Nation Government Council shall hereby be deemed to decide that this Senior Officer be suspended without pay until it makes a final decision pursuant to section 50.

Subdivision 3.2 3 Disciplinary Sanctions

187. A Disciplinary Adjudicator including the Police Director or a Special Disciplinary Adjudicator as applicable, may impose one or several of the following sanctions for each disciplinary charge to which a Special Constable, Officer or Senior Officer admits guilt or for which he is found guilty:

a) warning;

b) reprimand;

c) disciplinary move or transfer;

d) disciplinary suspension without pay for a maximal period of sixty (60) working days, but subject to section 186 in the case of a Senior Officer who has been employed by the Cree Nation Government for at least six (6) months;

e) demotion, but subject to section 186 in the case of a Senior Officer who has been employed by the Cree Nation Government for at least six (6) months;

f) dismissal, but subject to section 186 in the case of a Senior Officer who has been employed by the Cree Nation Government for at least six (6) months.

Division 4 Effects and Review of Disciplinary Decisions

Subdivision 4.3 Review of Disciplinary Decision – Special Constable and Officer

188. A Special Constable or Officer may have the decision of a Disciplinary Adjudicator reviewed by the Police Director by submitting written arguments for his consideration within thirty (30) days of the issuance of the Disciplinary Adjudicator’s ruling.

189. If the Police Director deems it necessary in exceptional circumstances he may hold a hearing with regard to such appeal.

190. The Police Director may uphold the impugned decision, quash it or modify it by imposing one or several of the sanctions provided in section 187. The Police Director's decision shall be written, include reasons supporting the decision and be signed by him; his decision shall be final and not subject to appeal.

Subdivision 4.4 Review of Disciplinary Decision – Senior Officer

Subdivision 4.4 1 Appeal Committee

191. A disciplinary appeal committee, referred to herein as the Appeal Committee, is hereby established in order to review disciplinary decisions affecting Senior Officers, including the Assistant Director but excluding the Police Director.

192. The Appeal Committee shall be comprised of three (3) persons, one of whom shall be a lawyer who has been a member of the Ban-eau du Quebec for at least ten (10) years and is knowledgeable in police disciplinary matters.

193. The lawyer contemplated by section 192 shall be appointed by the Cree Nation Government Police Commission for a fixed term determined by the Cree Nation Government Police Commission, and is not required to be a member of the Cree Nation Government Police Commission.

194. The other two (2) members of the Appeal Committee contemplated by section 192 shall be appointed by the Cree Nation Government Police Commission from among its members for a fixed term determined by the Cree Nation Government Police Commission.

195. A decision of the Appeal Committee contemplated by section 197 or 198 shall be made by majority vote with each member of the Appeal Committee having one vote.

Subdivision 4.5 Process for Review of Disciplinary Decision – Senior Officer

196. A Senior Officer may have the decision of a Disciplinary Adjudicator or Special Disciplinary Adjudicator, as applicable, reviewed by the Appeal Committee by submitting written arguments for consideration by the Appeal Committee within thirty (30) days of the issuance of the relevant ruling.

197. If the Appeal Committee deems it necessary in exceptional circumstances, as decided by a majority vote of its members, it may hold a hearing with regard to such appeal.

198. The Appeal Committee may uphold the impugned decision, quash it or modify it by imposing one or several sanctions provided for in section 187, as decided by a majority vote of its members. The Appeal Commtitee's decision shall be written, include reasons supporting the decision and be signed by each of its members; this decision shall be final and not subject to appeal.

Subdivision 4.6 Effect of Disciplinary Decision

199. Thirty (30) days from its issuance, a disciplinary decision affecting a Special Constable, Officer or Senior Officer contemplated herein which has not been amended or quashed by the Police Director or Appeal Committee, as applicable, shall be deemed to be upheld and becomes enforceable from that date.

200. Upon written request by a Special Constable, Officer or Senior Officer who is suspended without pay, the Police Director may decide that the number of days for which such individual will be without pay be deducted, in whole or in part, from his annual leave.

201. The powers of the Police Director pursuant to section 200 may be delegated by the Police Director, at his discretion, to the Assistant Director.

202. Notwithstanding section 74.q), in the event that a Special Constable, Officer or Senior Officer is found not-guilty of a disciplinary charge, no mention of such charge shall made in his personnel record. In the event that such an individual admits his guilt or is found guilty of a disciplinary charge, mention thereof, as well as the related disciplinary sanction, shall be made in his personnel file pursuant to section 74.q).

203. Subject to the written approval of his supervisor, a Special Constable, Officer or Senior Officer upon whom a disciplinary sanction contemplated by section 187, other than a dismissa,l has been imposed may, after five (5) years in the case of a demotion, three (3) years in the case of a disciplinary suspension without pay, and two (2) years in the case of a warning, reprimand or a disciplinary move or transfer, present a motion to the Police Director to have mention of the sanction struck from his personnel record.

204. Notwithstanding sections 74.q) and 202, in the event that the Police Director grants such request, no record of the disciplinary sanction shall remain in the personnel file of the Special Constable, Officer or Senior Officer concerned.

Division 5 Interpretation and Final Provisions

205. Nothing in this Title VI shall be construed as restraining the administrative power of the Police Director or a Senior Officer, as applicable, to suspend without pay a Special Constable, Officer or Senior Officer suspected of a criminal offence or a substantial disciplinary offence where the Police Director or Senior Officer believes it necessary to temporarily remove such an individual from the EEPF.

206. A decision of a Senior Officer contemplated by section 205 shall only be taken where required by the circumstances, and such decision shall be subject to review by the Police Director at the earliest available opportunity. The Police Director may substitute his decision for that of the Senior Officer without further formality.

207. In the case of a decision contemplated by section 205 by a Senior Officer to temporarily suspend a Special Constable, Officer or Senior Officer, such decision shall be reviewed by the Police Director at the first available opportunity.

208. A disciplinary charge against a Special Constable, Officer or Senior Officer concerned shall be laid within two (2) years from the time the disciplinary offence is discovered, except in cases where the disciplinary offence is also an indictable offense punishable by indictment only.

PART VII
INDEMNIFICATION

209. The Cree Nation Government shall assume responsibility for any judicial or quasi-judicial proceedings brought against a Special Constable, Officer or Senior Officer of the EEPF, including the Police Director, and indemnify him with respect to any civil judgment of a monetary nature in a matter in which his civil liability is at issue due to the performance of his duties with the Eeyou-Eenou Police Force, unless such a court or tribunal determines that his conduct amounts to gross negligence or an intentional fault or except if his conduct was contrary to the orders or instructions given to him by his superiors.

PART VIII
TRANSMITTAL OF THIS BY-LAW TO THE MINISTER

210. A certified copy of this By-Law and all modifications thereto shall be transmitted to the Minister no later than fifteen (15) days from its coming into force.

PART IX
INTERPRETIVE PROVISION

211. This By-Law shall be deemed to be amended without further formalities to incorporate:

a) those amendments to the Police Act and its regulations applicable to the EEPF which are compatible with the JBNQA; and

b) amendments to the Modalities Agreemen,t or in the case of the Cree Nation Government- Quebec SQ-EEPF Agreement, the coming into force thereof and thereafter, amendments thereto, both of which are referred to in Section 19 of the JBNQA.

Schedule 1
OATH OF ALLEGIANCE AND OFFICE

I, _____, swear that I will be loyal and bear true allegiance to constituted authority, and that I will fulfill the duties of my office of _____, honestly and fairly and in compliance with the Code of ethics of Quebec police officers and that I will not receive any sum of money or consideration for what I have done or may do in the discharge of the duties of my office, to procure the purchase or exchange of anything whatsoever by or with the Cree Nation Government other than my salary or what may be allowed me by law or by the applicable Cree Nation Government By-law, as amended from time to time.

Schedule 2
OATH OF DISCRETION

I, _____, swear that I will not reveal or make known, without being duly authorized, anything whatsoever of which I have learned in the performance of my duties.

Schedule 3

CREE NATION GOVERNMENT POLICE COMMISSION

CODE OF ETHICS AND PROFESSIONAL CONDUCT I. PRINCIPLES OF ETHICS AND OF PROFESSIONAL CONDUCT 1. The contribution of Cree Nation Government Police Commission members to carrying out the mandate and functions of the Cree Nation Government Police Commission shall be made in respect of the law, with honour, loyalty, rigour, caution, diligence, efficiency, assiduity and fairness. 2. Each Cree Nation Government Police Commission member shall respect this code of ethics and professional conduct in the performance of his duties, and the Chair of the Cree Nation Government Police Commission shall be responsible for ensuring such respect by Cree Nation Government Police Commission members of this code. 3. At the time of his appointment, each member shall sign the following certification document confirming that he has read and understood this present code and that he undertakes to respect it. 4. A Cree Nation Government Police Commission member shall exercise discretion concerning the performance of his duties and shall respect the confidential nature of any information received as such a member at all times. 5. A Cree Nation Government Police Commission member shall show reserve in the public expression of his political opinions. 6. A Cree Nation Government Police Commission member shall avoid placing himself in a situation of conflict between his personal interests and his official duties with the Cree Nation Government Police Commission. 7. A Cree Nation Government Police Commission member shall reveal to the Chair of the Cree Nation Government Police Commission any direct or indirect interest he has in an organization, enterprise or association liable to place him in a situation of conflict of interest with the Cree Nation Government or the EEPF. In the case of the Chair of the Cree Nation Government Police Commission, he shall reveal this information in writing to the Chair of the Cree Nation Government. 8. A Cree Nation Government Police Commission member shall abstain from participating in and shall withdraw from any deliberation or decision of the Cree Nation Government Police Commission involving any of his immediate family members. A Cree Nation Government Police Commission member shall also abstain from participating in and shall withdraw from any deliberation or decision of the Cree Nation Government Police Commission involving any organization, enterprise or association in which he has a direct or indirect interest if there is potential that he could personally benefit, or be perceived to personally benefit, from his participation in the deliberations or decision-making of the Cree Nation Government Police Commission. 9. A Cree Nation Government Police Commission member shall not use the property of the Cree Nation Government to his personal advantage or the personal advantage of a third party. 10. A Cree Nation Government Police Commission member shall not use any information obtained in or during the performance of his duties as a Cree Nation Government Police Commission member for his personal advantage or that of a third party. 11. A Cree Nation Government Police Commission member shall not accept and keep a gift or benefit which may be perceived as an attempt to influence him as a Cree Nation Government Police Commission member. Any gift, token of hospitality or benefit received by a Cree Nation Government Police Commission member shall be promptly returned to the donor or remitted to the Cree Nation Government. 12. A Cree Nation Government Police Commission member shall not, either directly or indirectly, grant, solicit or accept a favour or benefit from the Cree Nation Government for either himself or for a third party. 13. A Cree Nation Government Police Commission member shall not allow himself to be influenced in his

Commission-related activities by external or personal considerations such as the possibility of an appointment and employment or business opportunities. 14. A Cree Nation Government Police Commission member who has ceased to hold office with the Cree Nation Government Police Commission shall not gain or seek to gain any undue benefits by virtue of his previous duties with the Cree Nation Government Police Commission. 15. A Cree Nation Government Police Commission member who has ceased to hold office shall not disclose confidential information he has received, nor give advice to any person, based on information unavailable to the public concerning the Cree Nation Government Police Commission, the Eeyou-Eenou Police Force or the Cree Nation Government.

Schedule 4

CERTIFICATION DOCUMENT WITH RESPECT TO THE CREE NATION GOVERNMENT POLICE COMMISSION CODE OF ETHICS AND PROFESSIONAL CONDUCT

WHEREAS the CREE NATION GOVERNMENT Police Commission Code of Ethics and Professional Conduct provides that every CREE NATION GOVERNMENT Police Commission members shall certify that he has read and understood such Code and undertakes to abide by it; I the undersigned, _____,member of the Cree Nation Government Police Commission, hereby certify having read and understood the Cree Nation Government Police Commission Code of Ethics and Professional Conduct, and I hereby solemnly undertake to abide by the rules stipulated in this Code in order to preserve the integrity of the Cree Nation Government Police Commission. Signed at _____ this _____of_____. Name of the member in block letters: _____ Signature of the member: _____ Name of the witness in block letters: _____ Signature of the witness: _____

Schedule 5

EEYOU-EENOU POLICE FORCE DISCIPLINARY PROCESS

Rank	Investigator	Disciplinary Adjudicator	Sanction	Appeal
Officer and Special Constable	Immediate Supervisor	Senior Officer selected as Disciplinary Adjudicator (1)	Disciplinary Adjudicator	Police Director
Senior Officer (not Assistant Director)	Immediate Supervisor	Police Director	Police Director – except suspension, demotion, dismissal (2)	Appeal Committee of CNG Police Commission
Senior Officer – Assistant Director	Police Director or Assigned External Person (section 185.a)	Special Disciplinary Adjudicator (i.e. external another police force appointed by DG of CNG)	Special Disciplinary Adjudicator – except suspension demotion dismissal (3)	Appeal Committee of CNG Police Commission
Police Director	As determined by CNG Council, if applicable	CNG Council	CNG Council	According to law

1. This Disciplinary Adjudicator is selected by the Assistant Director. 2. In which case, the Police Director recommends the appropriate sanction to the Cree Nation Government Council for its decision and implementation. 3. In which case, the Special Disciplinary Adjudicator recommends the appropriate sanction to the Cree Nation Government Council for its decision and implementation.

Schedule 6

SPECIAL CONSTABLES AND OFFICERS – INTERNAL DISCIPLINARY PROCESS OVERVIEW

[Diagram — see the original document.]

Schedule 7

SENIOR OFFICERS (OTHER THAN ASSISTANT DIRECTOR AND POLICE DIRECTOR) – INTERNAL DISCIPLINARY PROCESS OVERVIEW

[Diagram — see the original document.]

Schedule 8

ASSITANT DIRECTOR INTERNAL DISCIPLINARY PROCESS OVERVIEW

[Diagram — see the original document.] BY-LAW NUMBER 2010-30 ADOPTED THIS DAY OF OCTOBER 20 , 2010. _____ Paul John Murdoch Corporate Secretary

Adopted: October 20, 2010

Paul John Murdoch, Corporate Secretary